

**EU LAW
NEWSLETTER
10 NOVEMBER 2022**



This newsletter provides a selection of opinions and analysis from our EU legal experts on interesting policy developments, recent case law and new regulatory directions of major industry practices. It is released twice a week and covers, among others, areas such as: Competition Law, Trade, Energy, Finance, RRF, Data, IP and Privacy, Life Sciences, and Transport.

The aim is to provide an up-to-date tool for quick and easy consultation on the most current and important topics at EU level.

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COMPETITION LAW AND STATE AID

European Commission

Digital Markets Act: rules for digital gatekeepers to ensure open markets enter into force – On 1st of November, the EU Digital Markets Act (DMA) entered into force. The new Regulation will put an end to unfair practices by companies that act as gatekeepers in the online platform economy. It was proposed by the Commission in December 2020 and agreed by the European Parliament and the Council in record-time, in March 2022.

✓ [Link](#)

Competition: Commission seeks feedback on draft revised Market Definition Notice – On 8 November 2022, the European Commission has launched a public consultation inviting all interested parties to comment on the draft revised Market Definition Notice. Market definition is an important first step in the assessment of mergers and of most antitrust cases. It serves to define the boundaries of competition between companies. The Market Definition Notice is being revised for the first time since its adoption in 1997, taking into account the significant developments of the intervening years, in particular digitalisation and new ways of offering goods and services, and to reflect the interconnected and globalised nature of commercial exchanges.

✓ [Link](#)

Mergers: Commission approves SalMar's acquisition of NTS, subject to conditions – On 31 October 2022, the European Commission has approved, under the EU Merger Regulation, the proposed acquisition of NTS by SalMar. The approval is conditional on full compliance with commitments offered by SalMar. SalMar is one of the world's largest producers of farmed salmon, with operations in Norway, Iceland and Scotland. NTS, which owns SalmoNor, Norway Royal Salmon and Frøy, is also a leading salmon farmer active in Norway and Iceland.

✓ [Link](#)

Mergers: Commission opens in-depth investigation into the proposed acquisition of Activision Blizzard by Microsoft – On 8 November 2022, The European Commission opened an in-depth investigation to assess the proposed acquisition of Activision Blizzard by Microsoft under the EU Merger Regulation. The Commission is concerned that the proposed acquisition may reduce competition in the markets for the distribution of console and personal computers ('PCs') video games and for PC operating systems. Microsoft and Activision Blizzard are both developers and publishers of games for PCs, game consoles and mobile devices as well as distributors of games for PCs. In addition, Microsoft also distributes games for consoles, offers the Xbox gaming console

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and related services as well a wide range of products and services, including the PC operating system Windows and the cloud computing service Azure.

✓ [Link](#)

State aid: Commission approves €16.8 billion Danish guarantee scheme to support energy companies in the context of Russia's war against Ukraine – On 4 November 2022, the European Commission approved a €16.8 billion (DKK 125 billion) Danish guarantee scheme to support companies in the context of Russia's war against Ukraine. The scheme was approved under the State aid Temporary Crisis Framework, adopted by the Commission on 23 March 2022, and amended on 20 July 2022 and on 28 October 2022, based on Article 107(3)(b) of the Treaty on the Functioning of the European Union ('TFEU'), recognising that the EU economy is experiencing a serious disturbance.

✓ [Link](#)

State aid: Commission approves €180 million Czech scheme to support rail and urban transport operators using electric traction – On 10 November 2022, the European Commission approved, under EU State aid rules, a €180 million Czech scheme to support rail and urban public transport operators using electric traction. The measure will contribute to improving the environmental performance of rail and urban transport, in line with the objectives of the Commission's Sustainable and Smart Mobility Strategy and the European Green Deal.

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✓ [Link](#)

TRADE AND RUSSIA RESTRICTIONS

World Trade Organization

DG Okonjo-Iweala: Make trade and investment a key part of delivering on climate action - At a high-level forum held on the sidelines of the COP27 in Sharm-El-Sheikh, Egypt on 9 November, WTO Director General Okonjo-Iweala highlighted the need to develop climate-smart policies to promote international trade and investment in mitigation and adaptation projects. She added that fostering cooperation to develop common approaches to carbon pricing was critical to driving new transformations.

✓ [Link](#)

European Commission

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Customs: new agreement to improve trade flows between the EU and Moldova entered into force on 1 November

A new agreement between the EU and Republic of Moldova entered into force on 1 November 2022, improving trade facilitation for businesses. The new arrangements mean that both the EU and Republic of Moldova will mutually recognise each other's Authorised Economic Operators (AEOs) programmes, bringing together traders who meet certain criteria and who can therefore benefit from simplified customs arrangements. As of 1 November, both the EU and Moldova will provide reciprocal benefits to each other's AEOs, such as fewer customs controls and priority treatment at customs clearance. The agreement is a major step forward in the EU-Moldova trade relationship. It will further boost trade opportunities and contribute to the smooth flow of goods between both sides, without compromising high security standards. At a time when businesses need all the support they can get to overcome the ongoing crisis due to the war in Ukraine, the agreement will make trade easier and less expensive for many EU and Moldovan traders. The relationship between the EU and Republic of Moldova is guided by the Association Agreement, including Deep and Comprehensive Free Trade Areas (DCFTAs). The EU cooperates with Moldova in the framework of the European Neighbourhood Policy and its eastern regional dimension, the Eastern Partnership, with the key goal of bringing Moldova closer to the EU. The EU is Moldova's biggest trade partner, accounting for 52.2% of its total trade. EU exports to Moldova amounted to €3.8 billion in 2021.

✓ [Link](#)

European Council

4

Myanmar/Burma: EU imposes further restrictive measures on 19 individuals and one entity

In view of the continuing escalation of violence and grave human rights violations following the military takeover two years ago, the Council adopted a fifth round of restrictive measures. The new listings target 19 persons and one entity, including the Minister of Investment and Foreign Economic Relations Kan Zaw, the Chief Justice of the Supreme Court Htun Htun Oo, high-ranking members of the Myanmar Armed Forces (Tatmadaw) and Air Force, members of the Union Election Commission, as well as business representatives of private companies closely connected and providing support to the Tatmadaw. The State Administration Council is also included as it plays a central role in undermining democracy and the rule of law in Myanmar/Burma as well as in actions that threaten the peace, security and stability of the country. Restrictive measures currently apply to a total of 84 individuals and 11 entities. Those designated are subject to an asset freeze and a travel ban, which prevents them from entering or transiting through EU territory. In addition, EU persons and entities are prohibited to make funds available to those listed. Other EU restrictive measure will remain in place: the embargo on arms and equipment and export restrictions on equipment for monitoring communications which might be used for internal repression, the export ban on dual-use goods for use by the military and border guard police, and the prohibition of military training and cooperation with the Tatmadaw. These measures complement the withholding of EU financial assistance to the government of Myanmar

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and the freezing of all EU assistance, a tool that might be perceived as a means to legitimise the junta.

✓ [Link](#)

ENERGY AND GREEN DEAL

European Council

Council and Parliament strengthen emission reduction targets for Member States – On 08.11.2022, The Council and the European Parliament reached a provisional political agreement on stronger emission reduction targets for member states under the so-called effort sharing regulation. Pending a formal adoption, the provisional deal endorses an EU-level greenhouse gas emission reduction target of 40% compared to 2005, by 2030, for the sectors not covered by the EU Emissions Trading System (EU-ETS), namely road and domestic maritime transport, buildings, agriculture, waste and small industries. The agreement keeps the increased national targets assigned to each member state as proposed by the Commission and adjusts the way member states can use existing flexibilities to meet their targets. The proposal for an efforts sharing regulation revises existing rules, last amended in 2018. The provisional political agreement reached in trialogue negotiations will now have to be formally adopted by the Council and the Parliament.

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✓ [Link](#)

Council's Eurogroup discusses budgetary measures to mitigate the impact of high energy prices – On 07.11.2022, the Eurogroup exchanged views on the fiscal policy response to high energy prices and inflationary pressures, and with input from the Commission, ministers continued their discussion on the challenges they face with regard to measures at national level to cushion the impact of high energy prices on vulnerable households and businesses. Through the work of the Commission, the Council's Eurogroup took stock of the measures and analysed their impact as these measures have been rolled out to keep citizens warm over winter. According to estimates by the Commission, euro area governments have so far collectively spent about 1,25% of euro area GDP on energy support for the year. Ministers noticed the challenges of the significant supports in effectively managing the trade-off between reducing inflation, while also supporting both vulnerable households and also the euro area's international competitiveness. Eurogroup's President also noted that a key issue for the overall policy mix and for the budget outlook for next year is what happens if measures are extended into spring and beyond. This will be a very important juncture for budgetary policy for the coming period.

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European Commission

European Commission proposes temporary emergency regulation to accelerate deployment of renewable energy

– On 09.11.2022 the European Commission proposed a new temporary emergency regulation to accelerate the deployment of renewable energy sources. The proposal complements previous emergency measures to tackle the exceptional situation on the energy markets and to accelerate the clean energy transition. It will apply for one year, covering the time needed for the adoption and transposition of the Renewable Energy Directive, currently discussed by the co-legislators, in all Member States. It targets specific technologies and types of projects which have the highest potential for quick deployment and the least impact on the environment, contributing to our energy security in the face of Russia's invasion of Ukraine and weaponization of its energy supplies. The Commission is proposing new action in the form of a Council Regulation based on Article 122 of the Treaty.

✓ [Link](#)

Commission hosts a roundtable to discuss measures on consumer protection in the context of the energy crisis

– On 07.11.2022, the European Commission organised a roundtable to consult key stakeholders on the protection of EU consumers in the context of the energy crisis. In light of high energy prices and the overall impact of the crisis on the cost of living, both the EU and EU countries have been taking measures to support consumers, especially vulnerable ones, in their ability to pay their energy bills and to ensure access to energy supplies. The meeting gathered energy regulators, energy providers, consumers associations and representatives of the EU and EU countries.

✓ [Link](#)

Commission meets with United States for Task Force on Energy

– On 03.11.2022, the EU-US Task Force on Energy Security met in Washington to discuss implementation of the 25 March Joint Statement by Presidents von der Leyen and Biden, which aims to help diversify the EU's natural gas supplies and reduce natural gas demand and consumption. The Task Force builds on long-standing cooperation under the EU-US Energy Council, including to advance the clean energy transition. The meeting of the Task Force took stock of joint work to date, including multiple meetings with EU Member States and EU and US industry representatives to discuss and compare policy approaches, as well as best practices with respect to energy savings, deployment of clean energy technologies, and decoupling from Russian energy in 2022 and beyond. Both sides underscored that Russia's weaponization of energy reinforces the need to accelerate the energy transition and implement more ambitious policies to reduce dependence on gas and other fossil fuels. The participants welcomed the EU's ongoing efforts to reduce natural gas demand by 15% and considered current and potential new energy efficiency measures to ensure the EU's energy security throughout the winter 2022/23. Mindful of the environmental impact of LNG production

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and consumption, the EU and the United States commit to step up their efforts to reduce methane emissions both in bilateral trade and at the global level, by supporting domestic and international measures for reinforced monitoring, reporting and verification, as well as transparency, for methane emissions data in the fossil energy sector. In this spirit, the EU has proposed new legislation to reduce methane emissions across the oil, gas and coal sectors, setting clear monitoring, reporting and verification requirements, as well as strict mitigation measures and global monitoring and information tools to ensure transparency of methane emissions reduction

✓ [Link](#)

BANKING & FINANCE

European Central Bank (BCE)

Results of the September 2022 Survey on credit terms and conditions in euro-denominated securities financing and over-the-counter derivatives markets (SESFOD) – On 31.10.2022, the European Central Bank (ECB) has published the [September 2022 SESFOD survey](#), the underlying [detailed data series](#) and the [SESFOD guidelines](#), available on the European Central Bank's website, together with all other [SESFOD publications](#). They mainly show that:

- Tighter credit terms and conditions offered by banks to counterparties, mainly attributed to deterioration in general market liquidity and functioning.
- Higher maximum amount of funding but shorter maximum maturity against domestic government bonds.
- Deterioration in liquidity conditions continued for most collateral types.
- Higher initial margin requirements for most OTC derivative types, especially commodity derivatives.

✓ [Link](#)

ECB publishes consolidated banking data for end-June 2022 – On 3.11.2022, the European Central Bank (ECB) has published the consolidated banking data with reference to end-June 2022, a dataset of the EU banking system compiled on a group consolidated basis. In particular, the following is stated:

- [Total assets of EU-headquartered credit institutions](#) increased from €30.58 trillion in June 2021 to €31.89 trillion in June 2022, to stand 4.31% higher

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- EU [non-performing loans ratio^{\[1\]}](#) dropped by 0.45 percentage points year on year to 1.88% in June 2022
- EU average [return on equity^{\[2\]}](#) was 3.26% and [Common Equity Tier 1 ratio^{\[3\]}](#) was 15.16% in June 2022

More information on the results is to be found on the link below.

✓ [Link](#)

ECB Consumer Expectations Survey results – September 2022 – On 9.11.2022, the European Central Bank (ECB) has published the Consumer Expectations Survey results for September. Compared with August:

- consumer expectations for inflation 12 months ahead increased slightly, while expectations for inflation three years ahead remained unchanged;
- expectations for nominal income growth over the next 12 months declined markedly, while expectations for nominal spending growth remained unchanged;
- expectations declined significantly for economic growth over the next 12 months and increased for unemployment in 12 months' time;
- consumers expected growth in the price of their home over the next 12 months to remain unchanged, while their expectations for mortgage interest rates 12 months ahead continued to drift upwards.

✓ [Link](#)

European Banking Authority (EBA)

EBA publishes assessment on the application of the supporting factor to infrastructure lending

– On 3.11.2022, the European Banking Authority (EBA) published a Report, which analyses some qualitative as well as quantitative aspects of the lending trends and riskiness of infrastructure loans which have benefitted from a capital reduction due to the introduction of the so-called infrastructure supporting factor (ISF) under the Capital Requirements Regulation (CRR). While data on infrastructure lending is scarce overall, the EBA analysis relied on information received from a sample of banks that participated in a [survey](#) launched in April 2022. The data collected is not sufficient to conclude on the impact of ISF on lending or the consistency of the riskiness of the affected loans with the own funds requirements. At the same time, from a broader prudential perspective, and in line with previous [EBA recommendations](#), the continued application of the ISF could be questioned.

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EBA publishes methodology and draft templates for the 2023 EU-wide stress test – On 28.10.2022, the European Banking Authority (EBA) published the final methodology, draft templates and template guidance for the 2023 EU-wide stress test along with the milestone dates for the exercise. The methodology and templates cover all relevant risk areas and have considered the feedback received from industry. The stress test exercise will be launched in January 2023 with the publication of the macroeconomic scenarios. The results will be published by the end of July 2023.

✓ [Link](#)

The EBA clarifies the operationalisation of intermediate EU parent undertakings of third country groups – On 7.11.2022, the European Banking Authority published an Opinion to clarify the framework applicable to the set-up and operationalisation of intermediate EU parent undertakings (IPUs) by third country groups (TCGs) operating in the EU. This Opinion, which is addressed to the competent and resolution authorities, aims to ensure a harmonised and effective application throughout the Union of the requirement introduced by Article 21b of the revised Capital Requirements Directive (CRD5). In particular, the Opinion provides guidance for those cases where the TCG intends to have in place two IPUs and not a single one because it is subject to segregation of activities imposed by mandatory third country law, or because having a single IPU would make resolution less effective. The Opinion clarifies the process, as well as the information requirements and the assessment criteria, both from a supervisory and/or resolution perspective, for the approval of the two IPUs structure by the competent authority. In addition, the Opinion underscores the importance of adequate and effective arrangements to ensure the safety and soundness of the IPU and its subsidiaries in the Union, and draws attention to internal governance, outsourcing, risk management, liquidity and funding arrangements.

✓ [Link](#)

EBA reasserts its commitment to contribute to a more resilient and sustainable financial system – On 09.10.2022, the European Banking Authority (EBA) published today its environmental statement in the context of the 2022 United Nations Climate Change Conference (COP27), highlighting its work aimed at increasing sustainability in the banking sector by enhancing market transparency and discipline and by translating sustainability considerations into risk management practices and supervision. The EBA also presented its priorities and activities to ensure a robust management of ESG (environmental, social and governance) risks and adequate supervision. See here [EBA statement in the context of COP27](#).

✓ [Link](#)

European Security and Market Authority (ESMA)

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ESMA to withdraw the recognition decisions of six Indian CCPs – On 28.10.2022, the European Securities and Markets Authority (ESMA), the EU's financial markets regulator and supervisor, today announces that six central counterparties (CCPs) established in India will have their recognition decisions withdrawn in accordance with the [European Market Infrastructure Regulation](#) (EMIR). After conducting its assessment, ESMA established that not all of the cumulative conditions under EMIR for the recognition of these six TC-CCPs are met, as no cooperation arrangements (compliant with Article 25(7) of EMIR) have been concluded between ESMA and each of the relevant Indian authorities, i.e., RBI, SEBI and IFSCA. Therefore, the condition under point (c) of Article 25(2) of EMIR is not met.

As a result, ESMA concludes that these TC-CCPs cannot continue to be recognised in the European Union under the currently applicable EMIR regime. As of the date of application of the withdrawal decisions, these TC-CCPs will no longer be able to provide services to clearing members and trading venues established in the EU.

✓ [Link](#)

ESMA publishes data for the systematic internaliser calculations – On 28.10.2022, the European Securities and Markets Authority (ESMA), the EU's financial markets regulator and supervisor, has today published the data for the systematic internaliser quarterly calculations for equity, equity-like instruments and non-equity instruments other than bonds under MiFID II and MiFIR. The data is made available through FITRS in the XML files with publication date 1 November 2022. The results for equity and equity-like instruments are published only for instruments for which trading venues submitted data for at least 95% of all trading days over the 6-month observation period. The data publications also incorporate OTC trading to the extent it has been reported to ESMA. The publication includes data for instruments traded or available for trading during the reference period considered.

✓ [Link](#)

European enforcers focus on Russia's invasion of Ukraine, economic outlook and climate-related disclosures – On 28.10.2022, the European Securities and Markets Authority (ESMA), the EU's financial markets regulator and supervisor, has issued its annual [Public Statement on European Common Enforcement Priorities](#) (Statement). This year's priorities cover the impact of Russia's invasion of Ukraine, the macroeconomic environment and climate-related matters in financial and non-financial information. The statement also highlights the importance of comprehensive disclosures pursuant to Article 8 of the Taxonomy Regulation.

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EU FUNDS AND RFF

European Commission

Common Agricultural Policy 2023-27: strategic plans for Croatia, Slovenia and Sweden worth almost €9 billion in total approved – On 28.10.2022, the Commission approved the CAP strategic plans for Croatia, worth around €3.4 billion; Slovenia, around €1.2 billion; and Sweden, around €4.5 billion, were approved by the Commission. The three plans represent a budget of close to €9 billion, including €2.7 billion dedicated to environmental and climate objectives and eco-schemes, and €227 million for young farmers. All three plans have a strong environmental dimension. Slovenian's plan will support, among other things, the production of renewable energy from agriculture, enabling farmers to invest in biogas, biomethane and geothermal wells for their own needs. The Croatian plan decided to address the agricultural emissions that are mainly stemming from soil and manure management, while the Swedish plan puts a strong focus on carbon sequestration, biodiversity and valuable grasslands, as well as increasing knowledge about sustainable production. The new Common Agricultural Policy (CAP), set to start on 1 January 2023, is designed to shape the transition to a sustainable, resilient and modern European agricultural sector. Under the reformed policy, funding will be more fairly distributed among farms, with emphasis on small and medium-sized family farms, as well as young farmers. Moreover, farmers will be supported to take up new innovations, from precision farming to agro-ecological production methods. By supporting concrete actions in these and other areas, the new CAP can be the cornerstone for food security and farming communities in the European Union. The CAP will benefit from €270 billion in funding for the 2023-2027 period.

✓ [Link](#)

EU funds €1 million for the Office of the UN Secretary-General's Envoy for Technology – On 28.10.2022, the Commission approved that the EU will provide €1 million to support the work of the Office of the UN Secretary-General's Envoy for Technology over the next two years. This sum will contribute to the financing of the work of the Office as well as to the sensitization activities of the envoy. This agreement reflects the commitment of the EU and its Member States to support the UN Technology Envoy in the implementation of the digital aspects of the UN Secretary-General's "Joint Agenda", including the development of a global digital pact and the promotion of the multi-stakeholder model of internet governance. EU Member States will also support the Office of the Technology Envoy in the spirit of Team Europe.

✓ [Link](#)

Solidarity with Ukraine: Commission will provide €137 million to further support Member States welcoming those fleeing the war – On 31.10.2022, the Commission made available a further €137

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million to eight Member States that have been hosting large numbers of refugees. The decision follows the 9 April Global Pledging event “Stand Up for Ukraine”, where the Commission committed up to €400 million to support refugees from Ukraine in the most affected Member States. The first tranche of €248 million as emergency assistance was allocated to five front line Member States in May. Therefore, Poland, Romania, Hungary, Slovakia and Czechia have benefited already from the additional support. This second tranche of the emergency assistance from home affairs funds will support Poland, Slovakia, Czechia, Bulgaria, Estonia, Latvia, Lithuania and Cyprus. Member States can use these funds to continue offering immediate assistance to refugees, such as food, transport and temporary accommodation. These funds can also support their capacity to integrate refugees, including the vulnerable ones, such as unaccompanied minors. Civil society organisations, local and regional authorities also play a key role in offering assistance. Member States will therefore need to ensure that this emergency funding also flows to them. To ensure that funds are quickly disbursed, the Commission will release the money based on results achieved, rather than the actual costs. The remaining €15 million will be channeled towards emerging needs, such as accommodation projects, providing quality psychological first aid, mental health and psychosocial support to persons fleeing Ukraine.

✓ [Link](#)

Commission invests €3 billion in innovative clean tech projects to deliver on REPowerEU and accelerate Europe's energy independence from Russian fossil fuels

On 3.11.2022, the European Commission launched the third call for large-scale projects under the EU Innovation Fund. With a budget doubled to €3 billion thanks to increased revenue from the auctioning of EU Emissions Trading System (ETS) allowances, this 2022 call for large-scale projects will boost the deployment of industrial solutions to decarbonise Europe. With a special focus on the priorities of the REPowerEU Plan, the call will provide additional support towards ending the EU's dependence on Russian fossil fuels. Executive Vice-President Frans **Timmermans** said: *“Today more than ever, we need to boost innovation and scale up technological solutions that tackle the climate crisis and bring Europe energy sovereignty. The faster we do so, the quicker we will become immune to Russian energy blackmail. With this new call of € 3 billion, the EU Innovation Fund will support even more clean tech projects than before, speeding up the replacement of fossil fuels in hard-to-decarbonise industries and accelerating the uptake of renewable hydrogen in the EU market.”* The call is open for projects located in EU Member States, Iceland and Norway until 16 March 2023. It will fund projects about general decarbonisation, innovative electrification in industry and hydrogen, clean tech manufacturing and mid-sized pilots.

✓ [Link](#)

Lithuania will receive €61.2 million under the European Maritime, Fisheries and Aquaculture Fund for 2021-2027

On 3.11.2022, the Commission adopted the European Maritime, Fisheries and Aquaculture Fund (EMFAF) programme for Lithuania, totaling €87.4 million over the next six

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years, of which the EU contribution accounts for €61.2 million. More than half of the allocation will be dedicated to promoting sustainable growth of Lithuania's fishing and aquaculture sector by stimulating their modernisation and innovation. The fund will also support a better coordination between science and enterprise when it comes to data collection and fisheries control and enforcement via digitalisation to improve traceability along the entire value chain. It will also contribute to the conservation of marine biodiversity and the protection of fish stocks and the restoration and conservation of aquatic biological resources. Finally, it will contribute to the decarbonisation efforts through the replacement and modernisation of fishing boat engines. Commissioner for Environment, Oceans and Fisheries, Virginijus **Sinkevičius**, said: *"I am delighted to announce the adoption of the EMFAF Programme for Lithuania, which will help to modernise the country's fisheries and blue economy sectors in line with Europe's green and digital transitions. I am confident that the programme will boost sustainable productivity of aquaculture and diversify business developments in coastal areas."* The overall aim of the EMFAF programme is to implement the EU Common Fisheries policy (CFP) and EU policy priorities outlined in the European Green Deal.

✓ [Link](#)

EU Cohesion Policy: over €66 million for cross-border cooperation with Ukraine on health, environment and administrative capacity

On 4.11.2022, the Commission approved that Over €66 million for cross-border cooperation with Ukraine will be available under the first cross-border cooperation program adopted by the Commission: Interreg NEXT Hungary-Slovakia-Romania-Ukraine. The program covers the 2021-2027 period. Through this Cohesion Policy programme, three Member States (Hungary, Slovakia and Romania) and Ukraine will work together for equal access to health care and more resilience of their health systems. The program will also support sustainable solutions for climate change adaptation and disaster risk prevention. Participating countries will also cooperate to protect nature, promote green infrastructures, and enhance sustainable tourism. Commissioner for Cohesion and Reforms, Elisa **Ferreira**, said: *"This program is part of the overall support and unwavering solidarity of the EU towards Ukraine. Under Cohesion Policy, Interreg will help Ukraine and bordering Member States to face common challenges and grasp common opportunities. Ukraine is part of the European family, and this is yet again another tangible sign of collaboration in a common path forward."* The program will also help aligning EU Member States' and Ukraine's standards for an efficient public administration. Projects will promote legal and administrative cooperation to resolve common obstacles in the border regions, while fostering cooperation between citizens, civil society, and institutions. Interreg NEXT cooperation programs for the period 2021-2027 have an allocation of €1.1 billion from the European Regional Development Fund(ERDF), the Neighbourhood, Development and International Cooperation Instrument (NDICI) and the Instrument for Pre-Accession (IPA). For the 2021-2027 period, almost €600 million will be granted to five Interreg programmes, to support cross-border and transnational cooperation activities between Member States and Ukraine.

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✓ [Link](#)

Italy will receive 518 million euros through the European Maritime, Fisheries and Aquaculture Fund from 2021-2027 –

On 4.11.2022, the Commission has adopted the European Maritime, Fisheries and Aquaculture Fund program (FEAMPA) for Italy, for a total amount of €987.2 million for the next six years, of which €518.2 million will be contributed by the EU. Around half of the funds will go to sustainable fishing, including helping Italy end the practice of discarding fish, reduce overcapacity in some fleets and improve fisheries monitoring and data collection. More than a third will be invested in sustainable aquaculture and in processing and marketing, and the rest will be devoted to the sustainable blue economy and strengthening international ocean governance. The digital transition of the Italian fishing, aquaculture and processing sectors is also a key area of the program. The environment commissioner, **Sinkevičius**, said: *“Today we bring good news to Italy by announcing the adoption of the FEAMPA program, which will support sustainable investments in aquaculture and fisheries and accelerate the green and digital transition of the sector. The program will support the protection and restoration of biodiversity and aquatic ecosystems. It will also promote sustainable aquaculture and processing activities as well as the strengthening of aquaculture and the fisheries sector, including the processing of fish products, in Italy.”* The overall objective of the FEAMPA program is to implement the Common Fisheries Policy (CFP) and the EU policy priorities described in the Green Deal for Europe.

✓ [Link](#)

14

NextGenerationEU: European Commission endorses positive preliminary assessment of Bulgaria's request for €1.37 billion disbursement under the Recovery and Resilience Facility –

On 7.11.2022, the European Commission has endorsed a positive preliminary assessment of Bulgaria's payment request for €1.37 billion of grants under the Recovery and Resilience Facility (RRF), the key instrument at the heart of NextGenerationEU. On 31 August 2022, Bulgaria submitted to the Commission a payment request based on the achievement of the 22 milestones and targets selected in the Council Implementing Decision. They cover reforms and investments in the areas of education, smart industry, climate neutrality, digital connectivity, sustainable transport and road safety, justice, anti-money laundering, social inclusion, healthcare, and audit and control. With their request, the Bulgarian authorities provided detailed and comprehensive evidence demonstrating the fulfilment of the 22 milestones and targets. The Commission has now sent its positive preliminary assessment of Bulgaria's fulfilment of the milestones and targets required for this payment to the Economic and Financial Committee (EFC), asking for its opinion. Following the EFC's opinion, the Commission will adopt the final decision on the disbursement of the financial contribution, after which the disbursement to Bulgaria will take place.

✓ [Link](#)

REACT-EU: €15.8 million for Spain to invest in skills and boost employment – On 7.11.2022, Spain will receive an additional 15.8 million euros under REACT-EU. The region of Navarre will receive

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an additional 4.8 million euros to promote vocational training for unemployed people who are struggling to find a job. Funds will also be allocated to employment incentives for these people and people with disabilities. Entrepreneurs and start-ups, especially those started by young people, will also be supported, for example through workshops and career advice. In addition, the Extremadura region will receive an additional €11 million to help maintain self-employment in the region as well as to support incentives for hiring young people. The funds will contribute to projects in vocational dual employment schools in Extremadura, which combine teaching and work experience in the social sector. New vocational training opportunities will also be developed in secondary and higher education. The Commission has already paid 2.5 billion euros to Spain under REACT-EU. In 2021, REACT-EU had already allocated €40 billion to help Member States recover from the pandemic, invest in the digital and green transition, and from 2022, to welcome and integrate people fleeing war in Ukraine. The Commission also paid REACT-EU had already allocated 40 billion euros to help Member States recover from the pandemic, invest in the digital and green transition, and from 2022, to welcome and integrate people fleeing the war in Ukraine. The Commission also paid REACT-EU had already allocated 40 billion euros to help Member States recover from the pandemic, invest in the digital and green transition, and from 2022, to welcome and integrate people fleeing the war in Ukraine. The Commission also paid €3.5 billion in pre-financing to Member States under REACT-EU since March 2022. The most recent global package “Flexible Assistance to Territories (FAST-CARE)” further extends support to Member States by providing flexibility in Cohesion Policy funding while increasing pre-financing payments by an additional €3.5 billion to be paid in 2022 and 2023. The final date for eligibility of REACT-EU expenditure is 31 December 2023

15

✓ [Link](#)

Common Agricultural Policy 2023-2027: Hungary's €8.4 billion strategic plan approved – On 7.11.2022, the CAP strategic plan approved today will receive €8.4 billion from the EU budget, including €2 billion for environmental and climate goals and green schemes, and €186 million for young farmers. Hungary's CAP plan offers a wide range of interventions aimed at ensuring a fair income for farmers, as well as achieving a fairer distribution of financial support among them. The plan's measures will also facilitate the installation of 8,800 young farmers. A priority of the plan is the modernization of 7,700 farms. Hungary also allocates, among other things, 38% of the rural development budget to agri-environmental interventions, 8% to the development of organic farming and around 5% to the protection of Natura 2000 sites, which cover around 162,631 hectares. These combined programs will contribute to the sustainable management of nutrients and the reduction of fertilizer application and ammonia emissions. In addition, Hungary aims to double the area devoted to organic farming by 2027. New Common Agricultural Policy (CAP), due to start on 1 January 2023, is designed to shape the transition towards a sustainable, resilient and modern European agricultural sector. Under the reformed policy, funding will be distributed more evenly across farms, with a focus on small and medium-sized family farms, as well as young farmers. The CAP will benefit from funding of 270 billion euros for the period 2023-2027.

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✓ [Link](#)

LIFE SCIENCES

European Commission

Commission open to revision of EU orphan medicines legislation expected in next months – On 08.11.2022, Commission representative Anna-Eva Ampelas, head of the Commission's health service's (DG SANTE), told MEPs in the European Parliament's health committee (ENVI) that they expect to adopt the proposal for revising the orphan medicinal products legislation in the coming months. The head of unit added it would come along with other key legislative actions in the EU's pharmaceutical strategy, including a revision of the general pharmaceutical legislation and legislation on paediatric medicines. Orphan medicinal products are for diagnosing, preventing or treating rare conditions, meaning those affecting five in 10,000 people or less. It can also be medicines unlikely to be the source of enough profit to make up for research and development costs. The current legislation was introduced in 2000 to create better incentives for developing orphan medicinal products. The revision of the legislation is often considered alongside the EU regulation for paediatric medicines, as diseases found in children are mostly considered rare diseases too. The Commission jointly evaluated the two in 2020. Meanwhile, the European Parliament and the World Health Organisation (WHO) have called for a revision of the regulations on orphan drugs and medicines for children.

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✓ [Link](#)

TRANSPORT

European Commission

Making REPowerEU a reality and accelerating Europe's energy break from Russian fossil fuels: € 3 billion in innovative clean technology projects from the Commission - On 3.11.2022, the European Commission issued the third call for large-scale projects under the EU Innovation Fund. Boosted by the doubling of the budget to € 3 billion made possible by increased revenues from the auctioning of EU Emissions Trading System (EU ETS) allowances, the 2022 large-scale call for projects will promote the deployment of industrial solutions to decarbonise Europe. Focusing in particular on the priorities of the REPowerEU plan, it will make a further contribution towards freeing the EU from Russian fossil fuels.

✓ [Link](#)

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Zero-emission vehicles: the first 'Fit for 55' agreement will end the sale of new CO2-emitting cars in Europe by 2035

- On 28.10.2022, the European Commission welcomed the agreement reached on 27.10.2022 by the European Parliament and the Council guaranteeing that all new cars and vans registered in Europe will be zero-emission by 2035. As an intermediate step towards zero emissions, the new CO2 standards will also require a reduction of the average emissions of new cars by 55 per cent by 2030 and of new vans by 50 per cent by 2030. This agreement marks the first step towards the adoption of the 'Fit for 55' legislative proposals presented by the Commission in July 2021 and demonstrates, in the run-up to COP27, that the EU is implementing its international climate commitments at national level.

✓ [Link](#)

Commission invests EUR 3 billion in innovative clean technology projects to realise REPowerEU and accelerate Europe's energy independence from Russian fossil fuels

- On 3.11.2022, the European Commission launched the third call for large-scale projects under the European Innovation Fund. With a budget doubled to EUR 3 billion, thanks to increased revenues from the auctioning of EU Emissions Trading System (ETS) allowances, this call for large-scale projects in 2022 will boost the deployment of industrial solutions for the decarbonisation of Europe. With a focus on the priorities of the REPowerEU plan, the call will provide additional support to end the EU's dependence on Russian fossil fuels.

✓ [Link](#)

17

'Fit for 55': EU strengthens emission reduction targets for Member States

- On the night of 8.11.2022, the Council and the European Parliament reached a provisional political agreement on stricter emission reduction targets for Member States under the so-called Effort Sharing Regulation. Pending formal adoption, the provisional agreement endorses an EU-wide greenhouse gas emission reduction target of 40 per cent below 2005 levels by 2030 for sectors not covered by the EU Emissions Trading Scheme (EU-ETS), namely maritime and road transport, buildings, agriculture, waste and small industries. The agreement maintains the increase in national targets allocated to each Member State, as proposed by the Commission, and changes the way in which Member States can use existing flexibilities to meet their targets.

✓ [Link](#)

Morocco: EUR 250 million from the EIB to improve the quality of rail services

- On 9.11.2022, the European Investment Bank (EIB) and the Office National des Chemins de Fer (ONCF) announced the signing of a EUR 200 million (MAD 2.1 billion) financing contract, representing 80% of a total package of EUR 250 million made available to the ONCF. The remaining EUR 50m (MAD 527m) is scheduled to be signed in 2023. This is the first project signed under the Green Partnership with the Kingdom of Morocco, signed on 18 October 2022 in Rabat, which is also the first partnership concluded under the external dimension of the European Green Deal. This

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funding is a concrete expression of the policy orientations of the EU's New Mediterranean Agenda and the 'Team Europe' initiative. This new funding supports the ONCF's investment plan, which aims to renew the existing conventional railway infrastructure and modernise facilities with state-of-the-art technology along the 2300 km of Morocco's railway network. It will contribute to the development of sustainable, low-carbon mobility, while promoting a better territorial balance in terms of access to rail services.

✓ [Link](#)

France: EIB backs Sytral Mobilités with EUR 750m to finance its projects - On 3 November 2022, Bruno Bernard, President of Lyon Metropolitan Council and SYTRAL Mobilités, and Ambroise Fayolle, Vice-President of the European Investment Bank, signed a EUR 750m financing agreement in Lyon. The investments supported contribute to the implementation of the EIB's priority actions in France for sustainable public transport, with the aim of significantly reducing urban pollution and CO2 emissions. The EIB financing covers, among other things, the renewal and expansion of the metro network's rolling stock fleet, the renewal of the bus fleet with zero-emission vehicles, the extension of the network (metro and tramway) and the upgrading and renewal of existing infrastructure.

✓ [Link](#)

Spain: The EIB and the Community of Madrid agree a EUR 372m loan for the extension of Madrid's metro line 11 - On 7.11.2022, the European Investment Bank (EIB) and the Community of Madrid (CAM) agreed on an EIB loan of Euro 554 million divided into two operations that will have a strong regional impact. On the one hand, a loan of Euro 372 million was granted for the metro network, a strategic infrastructure for the autonomous community. The EIB funds will facilitate the extension of line 11 of the suburban network between Plaza Elíptica and Conde de Casal. On the other hand, the two institutions reached an unprecedented agreement on a EUR 182m loan for research and development activities.

✓ [Link](#)

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DATA, IP, AND PRIVACY

European Commisison

Digital Markets Act: rules for digital gatekeepers to ensure open markets enter into force – On 31.10.2022, the EU Digital Markets Act (“DMA”) entered into force. The new Regulation will put an end to unfair practices by companies that act as gatekeepers in the online platform economy. It was proposed by the Commission in December 2020 and agreed by the

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European Parliament and the Council in record-time, in March 2022. The DMA defines when a large online platform qualifies as a “gatekeeper”. These are digital platforms that provide an important gateway between business users and consumers – whose position can grant them the power to act as a private rule maker, and thus creating a bottleneck in the digital economy. To address these issues, the DMA will define a series of obligations they will need to respect, including prohibiting gatekeepers from engaging in certain behaviours. With its entry into force, the DMA will move into its crucial implementation phase and start to apply in six months, as of 2 May 2023. After that, within two months and at the latest by 3 July 2023, potential gatekeepers will have to notify their core platform services to the Commission if they meet the thresholds established by the DMA. Once the Commission has received the complete notification, it will have 45 working days to make an assessment as to whether the undertaking in question meets the thresholds and to designate them as gatekeepers (for the latest possible submission, this would be by 6 September 2023). Following their designation, gatekeepers will have six months to comply with the requirements in the DMA, at the latest by 6 March 2024. To prepare for the enforcement of the DMA, the Commission is already now engaging proactively with industry stakeholders to ensure effective compliance with the new rules. Furthermore, in the next months, the Commission will organise a number of technical workshops with interested stakeholders to gauge third party views on compliance with gatekeepers' obligations under the DMA. The first of those workshops will take place on 5 December 2022 and will focus on the “self-preferencing” provision. Finally, the Commission is also working on an implementing regulation that contains the provisions on the procedural aspects of notification.

✓ [Link](#)

EU CASE LAW AND EUROPEAN PUBLIC PROSECUTOR OFFICE (EPPO)

Court of Justice of the European Union

Decision on State aid granted by Spain to Valencia CF annulled by the General Court: the Court of Justice dismisses the Commission’s appeal – On 10.11.2022, the Court of Justice delivered its judgment in case C-211/20 P *Commission v Valencia Club de Fútbol*. On 5 November 2009, the *Instituto Valenciano de Finanzas* (“IVF”), the financial institution of the *Generalitat Valenciana* (Regional Government of Valencia, Spain), provided the *Fundación Valencia*, an association linked to Valencia CF, a Spanish professional football club, with a guarantee for a bank loan of €75 million, through which it acquired 70.6% of the shares in Valencia CF. On 10 November 2010, the IVF increased its guarantee in favour of Fundación Valencia by €6 million, to obtain an increase by the same amount in the sum loaned, in order to cover the payment of the overdue principal, interest and costs arising from the non-payment of interest on the guaranteed loan on 26 August 2010. By decision of 4 July 2016, the Commission found that those and other measures

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constituted unlawful State aid which is incompatible with the internal market and consequently ordered their recovery. Valencia CF subsequently brought an action before the General Court of the European Union for the annulment of that decision. By judgment of 12 March 2020, the General Court annulled that decision in so far as it concerned Valencia CF and held that the Commission committed several manifest errors of assessment concerning the guarantee granted by the IVF and the increase of the guarantee decided in 2010. By its appeal, the Commission asks the Court of Justice to set aside the judgment of the General Court. In support of its appeal, the Commission raised a single ground of appeal alleging a misinterpretation of the concept of 'economic advantage' for the purposes of Article 107(1) TFEU. In its judgment, the Court of Justice dismisses that single plea, and therefore the appeal itself, as unfounded. According to the Court of Justice, the General Court did not impose an excessive burden of proof on the Commission and merely found that the Commission had not fulfilled the requirements which it had imposed on itself by adopting the Guarantee Notice.

✓ [Link](#)

A national court is required to ascertain of its own motion whether a detention measure taken in respect of an illegally staying foreign national or an asylum seeker is lawful – On 8.11.2022, the Court of Justice delivered its judgment in joined cases C-704/20 and C 39/21 *Staatssecretaris van Justitie en Veiligheid (Ex officio review of detention)*. Nationals of Algeria, Morocco and Sierra Leone have challenged detention measures taken in respect of them before the Netherlands courts. The Netherlands Council of State and the District Court of The Hague have asked the Court whether EU law requires courts to review of their own motion any failure to comply with a condition governing the lawfulness of a detention measure which has not been invoked by the person concerned. In its judgment, the Court of Justice stated that the adoption of a measure detaining, or continuing the detention of, a foreign national who has lodged an application for international protection or who is staying illegally in the territory of a Member State is subject to compliance with a set of conditions relating to lawfulness.

✓ [Link](#)

Tax rulings: The Court of Justice holds that the General Court was wrong to confirm the reference framework used by the Commission to apply the arm's length principle to integrated companies in Luxembourg, in failing to take into account the specific rules implementing that principle in that Member State – On 8.11.2022, the Court of Justice delivered its judgment in joined cases C-885/19 P *Fiat Chrysler Finance Europe v Commission* and C-898/19 P *Ireland v Commission*. On 3 September 2012, the Luxembourg tax authorities adopted a tax ruling in favour of Fiat Chrysler Finance Europe ("FFT"), an undertaking of the Fiat group that provided treasury services and financing to the companies of the group established in Europe. The decision at issue approved a methodology for determining FFT's remuneration for those services, which enabled FFT to determine its corporate income tax liability to the Grand Duchy of Luxembourg on a yearly

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basis. By decision of 21 October 2015, the Commission found that that tax ruling constituted State aid incompatible with the internal market within the meaning of Article 107 TFEU. It also found that Luxembourg had not notified the draft tax ruling at issue to it nor had it respected the standstill obligation, in contravention of the provisions of Article 108(3) TFEU. The Commission ordered Luxembourg to recover from FFT the unlawful and incompatible aid. Luxembourg and FFT each lodged an appeal before the General Court seeking annulment of the Commission decision. By its judgment of 24 September 2019, the General Court dismissed the actions brought by Luxembourg and by FFT seeking annulment of the Commission decision, confirming the validity of that decision. By their respective appeals, FFT (C-885/19 P) and Ireland (C-898/19 P) have requested that that judgment be set aside. In its judgment, the Court of Justice sets aside the judgment delivered by the General Court and annuls the decision of the Commission, finding that its analysis of the reference system and, by extension, the existence of a selective advantage granted to FFT is erroneous.

✓ [Link](#)

European Public Prosecutor Office (EPPO)¹

Two suspects convicted in Croatia for unlawful favouritism – On 9.11.2022, the European Public Prosecutor Office (EPPO) announced that the Country Court in Zagreb issued two convictions, by which two accused persons have been found guilty of unlawful favouritism and aiding the attempted abuse of function and authority. In this investigation by the EPPO in Zagreb, in total 10 Croatian citizens were indicted, out of which five have been convicted so far. Both accused persons were adjusting the Procurement Documentation in public procurement procedures. Between 2018 and 2021, they changed the technical capacity requirements, bid evaluation, and scoring criteria to secure the assignment of several projects co-financed by the European Union's Cohesion Fund and the European Regional Development Fund to one company. Both verdicts were the result of plea bargains, as the two accused pleaded guilty to all charges.

✓ [Link](#)

CALLS

¹ The European Public Prosecutor's office is the new independent prosecution office of the European Union. It has the competence to investigate, prosecute and bring to judgment crimes affecting the EU budget, such as fraud, corruption, money laundering and serious cross-border VAT fraud. The EPPO starts operations on 1 June 2021, after the European Commission officially confirms the starting date on 26 May 2021.

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New

European Commission

Commission opens consultation on correction of certain elements of the list of recognised control bodies recognised for the import of organic products - The EU imports organic products from third countries recognised under Article 33(2) of Council Regulation (EC) No 834/2007 and from a list of control authorities and control bodies recognised under Article 33(3) of Council Regulation (EC) No 834/2007. The purpose of this amendment is to carry out certain corrections on the list of authorised control authorities and control bodies (Annex II), relevant to trade in organic products. Consultation period closes 22.11.2022-

✓ [Link](#)

Commission opens consultation on amending Council Regulation (EU) No 389/2012 - Intra-EU commercial movements of excise goods may be performed under suspension of excise duty (hereinafter, 'Duty Suspension') or after they are released for consumption in the territory of one Member State and then moved to the territory of another Member State in order to be delivered for commercial purposes (hereinafter, 'Duty Paid'). Currently only movements under Duty Suspension are monitored by the computerised system referred to in Article 1 of Decision (EU) 2020/263 of the European Parliament and of the Council¹. For these movements, economic operator types are created and defined in Council Directive 2008/118/EC². Under Chapter V of Council Directive 2020/2623, as from 13.02.2023 Duty Paid movements shall be monitored by the computerised system. Specific economic operator types for Duty Paid movements were created and defined in Council Directive 2020/262. Council Regulation (EU) No 389/2012⁴ lays down the legal basis for administrative cooperation between Member States. Each Member State maintains an electronic database containing registers with the data of the economic operators engaged in the movement of excise goods. Within the context of administrative cooperation, the Member States exchange the data included in these registers with a central register operated by the Commission only as regards the economic operators moving goods under Duty Suspension. On the basis of Article 19 of Council Regulation (EU) No 389/2012, as from 13/2/2023, Member States will maintain in the same electronic database registers the data of the economic operators who are engaged in the Duty Paid movements. These economic operators are defined in Council Directive 2020/262 as certified consignors and certified consignees. With this proposal, the Member States shall align the procedure of exchanging the data of economic operators moving goods under Duty Suspension with the exchange of data of the economic operators moving goods under Duty Paid. This alignment will further complete the digitalisation of the monitoring of movements of excise goods released for consumption in the territory of one Member State and

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moved to the territory of another Member State in order to be delivered there for commercial purposes and improve the fight against tax fraud. Consultation period closes 20.12.2022

✓ [Link](#)

Commission opens consultation on EU Voluntary Review on the implementation of the 2030 Agenda for Sustainable Development

- The EU and its Member States are committed to implementing the UN 2030 Agenda for Sustainable Development. Adopted in 2015, the 2030 Agenda and its 17 Sustainable Development Goals (SDGs) represent a plan for action to eradicate poverty and achieve a sustainable world by 2030 and beyond, with human wellbeing and a healthy planet at its core. The EUVR will provide the opportunity to reaffirm the EU's commitment to the 2030 Agenda, increase the visibility and consistency of the work undertaken on SDG implementation and to support the importance of this shared global agenda at global level, at a time when multilateralism is under pressure. The EUVR will reflect the Commission's commitment to implement the SDGs at EU level through its headline ambitions and its comprehensive 'whole of government' approach, to ensure a more coherent delivery on the SDGs both internally and externally. It will compile the most important commitments, targets, measures and where applicable timelines and summarise progress made on key initiatives implementing the 2030 Agenda. The EUVR will be overarching, addressing internal and external EU actions that help implement the SDGs at home and abroad. It will integrate the main findings of the annual Eurostat monitoring reports on SDG implementation. For comprehensiveness and consistency, the EUVR will integrate for its external part: the joint synthesis report on the implementation of the European Consensus on Development on EU and Member States' external actions in support of 2030 Agenda implementation; as well as the regular reporting on actions taken by the EU and the Member States on policy coherence for development. Consultation period closes 01.12.2022

✓ [Link](#)

Commission opens consultation on EU Competition rules and extending the validity of specialisation agreements

- The purpose of this initiative is to extend the period of validity of the block exemption rules for specialisation agreements. This will give sufficient time to revise the rules and avoid any regulatory gaps or legal uncertainty. Consultation period closes 11.11.2022.

✓ [Link](#)

Commission opens consultation on passenger rights

- The Commission will review the passenger rights regulatory framework, including to ensure its resilience to extensive travel disruptions, and including options for multimodal tickets. It will assess the options and propose, if appropriate, an adequate financial protection scheme to protect passengers against the risk of a liquidity crisis or an insolvency regarding the reimbursement of tickets and, if needed, their repatriation. To gather evidence, the Commission has opened a public consultation, which closes on 07.12.2022.

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✓ [Link](#)

Commission opens consultation on State aid rules for assessing State guarantees on loans - The Guarantee Notice describes how the Commission assesses State guarantees on loans to businesses and was last reviewed in 2008. The Commission will now evaluate how the Guarantee Notice has functioned over time. The evaluation will focus on the effectiveness, efficiency, relevance, coherence, and EU added value of the Notice. To gather evidence, the Commission plans a public consultation, targeted consultations, and a study. [Consultation period closes 21.11.2022.](#)

✓ [Link](#)

Reminder

European Commission

Commission opens consultation on Framework for Income Taxation (“BEFIT”) - On 13.10.2022, the Commission opened a consultation regarding the Framework for Income Taxation (“BEFIT”). The framework will propose a comprehensive solution for business taxation in the EU. This initiative aims to introduce a common set of rules for EU companies to calculate their taxable base while ensuring a more effective allocation of profits between EU countries, based on a formula. It will also aim to reduce compliance costs and create a coherent approach to corporate taxation in the EU. Consultation period closes on 05.01. 2023.

✓ [Link](#)

Commission opens consultation on European Critical Raw Materials Act – On 30.09.2022, the Commission opened a consultation regarding the European Critical Raw Materials Act. To achieve the green and digital transitions, the EU must significantly increase and diversify its critical raw materials supply, strengthen circularity and support research and innovation. This initiative will aim to reinforce EU monitoring capacities and strengthen both the EU value chain – through the identification of mineral resources and raw materials projects in the EU's strategic interest, with strong environmental protection – and EU external policies on Critical Raw Materials (“CRMs”). Consultation period closes 25.12.2022.

✓ [Link](#)

Commission opens consultation on changes to the Consumer Protection Cooperation Regulation - On 28.09.2022, the Commission opened a consultation regarding the Consumer Protection Cooperation Regulation. The digitalisation of consumer markets and new business models pose new challenges for enforcing EU consumer law. Consumer authorities and the Commission need to cooperate closely to effectively address non-compliant business practices across borders. A flexible, deterrent, cost-effective and rapid response is key, in particular where breaches are widespread or affect entire sectors. This initiative makes targeted changes to the Consumer Protection Cooperation Regulation to address these issues. Consultation period closes 21.12.2022.

✓ [Link](#)

Commission opens consultation on adapting out-of-court dispute resolution to digital markets to reinforce consumer rights - On 28.09.2022, the Commission opened a consultation regarding consumer rights and adapting out-of-court dispute resolution to digital markets. Alternative dispute resolution (“ADR”) aims to ensure redress for consumers without them having to go to

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court. Digital markets require fast and simple redress mechanisms. ADR legislation must be updated to meet those requirements. Consumers and businesses increasingly use private systems not meeting the ADR Directive requirements, depriving consumers of fair redress. This initiative will modernise the ADR framework in view of online intermediaries, pre-contractual information, and non-EU traders. Consultation period closes 21.12.2022.

✓ [Link](#)

Commission opens consultation on Consumer Protection Cooperation Regulation – On 28.09.2022, the Commission opened a consultation regarding the Consumer Protection Cooperation Regulation to address multiple issues. The digitalisation of consumer markets and new business models pose new challenges for enforcing EU consumer law. Consumer authorities and the Commission need to cooperate closely to effectively address non-compliant business practices across borders. A flexible, deterrent, cost-effective and rapid response is key, in particular where breaches are widespread or affect entire sectors. Consultation period closes 21.12.2022.

✓ [Link](#)

Commission opens consultation on Consumer rights - On 28.09.2022, the Commission opened a consultation regarding the adaptation of out-of-court dispute resolution to digital markets. Alternative dispute resolution (ADR) aims to ensure redress for consumers without them having to go to court. Digital markets require fast and simple redress mechanisms. ADR legislation must be updated to meet those requirements. Consumers and businesses increasingly use private systems not meeting the ADR Directive requirements, depriving consumers of fair redress. This initiative will modernise the ADR framework in view of online intermediaries, pre-contractual information, and non-EU traders. Consultation period closes 21.12.2022

✓ [Link](#)

Commission seeks public's views on better protection for passengers – On 16.9.2022 the Commission opened a consultation regarding the EU's laws on passenger rights. While the current laws protect passengers on all collective modes of transport before, during and after their journey, challenges remain. These include, for example, the practicalities of applying passenger rights regulations, and problems due to delayed or cancelled flights around the EU in the summer of 2022. Commissioner for Transport Adina Vălean said: *"In the wake of two years of pandemic-related disruptions with serious impacts on our travel plans, it is important to gather passengers' views on the rights that protect them. We need to learn from recent experience and see how we can ensure the system's resilience to extensive travel disruptions, across modes."* The consultation covers five key topics: 1) improved financial protection for air passengers against the risk of airline insolvencies and liquidity crises, 2) reimbursement of air passengers who book through an intermediary ticket vendor, 3) reimbursement in case an air passenger cancels because of a major

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crisis such as a pandemic or a natural disaster, 4) passenger rights for journeys involving more than one transport mode, and 5) improved enforcement of passenger rights in all transport modes. Consultation period closes 7.12.2022.

✓ [Link](#)

Commission opens consultation on EU Framework for Forest Monitoring and Strategic Plans -

The aim of this initiative is to develop an EU-wide forest observation framework to provide open access to detailed, accurate, regular and timely information on the condition and management of EU forests, and on the many products and ecosystem services that forests provide. This information will lead to more data-driven decision-making on forests. It is expected to increase public trust in forest management, reduce illegal logging, incentivise and reward more sustainable forest management, and support the adaptation of forests to climate change. Consultation period closes 17.11.2022.

✓ [Link](#)

AGENDA

EU Parliament

- ✓ Plenary Session – Strasbourg: 21.11.2022
- ✓ BUDG Committee BUDG: 17.11.2022; 08.12.2022
- ✓ Committee ECON: 17.11.2022; 28.11.2022 (extraordinary meeting)
- ✓ Committee IMCO: 28.11.2022
- ✓ Committee LIBE: 17.12.2022

EU Council

- ✓ European Council: 15.12.2022; 16.12.2022

Eurogroup

- ✓ Meeting - Brussels: 5.12.2022

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