

**EU LAW
NEWSLETTER
13 JANUARY 2023**

GRIMALDI | ALLIANCE

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

Denmark

State aid: Commission approves €1.1 billion Danish scheme to support roll-out of carbon capture and storage technologies – (12.01.2023) The European Commission has approved, under EU State aid rules, a €1.1 billion Danish scheme to support the roll-out of carbon capture and storage ('CCS') technologies. The measure contributes to the achievement of Denmark's climate targets and the [EU's strategic objectives under the European Green Deal](#), in particular the 2050 climate neutrality goal. The Commission's assessment (under Article 107(3)(c) of the Treaty on the Functioning of the European Union and the 2022 [Guidelines on State aid for climate, environmental protection and energy](#) ('CEEAG')) found that the scheme is necessary and appropriate since it has an incentive effect and a limited impact on competition, being thus proportionate under EU law. The draft Guidelines aim at clarifying how operators active in the agri-food sector can design joint sustainability initiatives in line with Article 210a of Regulation 1308/2013 establishing a common organisation of the markets in agricultural products ('[CMO Regulation](#)'). Following the comments by the interested parties on the draft Guidelines, the Commission will carefully analyse those and implement any necessary changes with a view of having the Guidelines in place by 8 December 2023. In addition, the Commission plans to hold a workshop with participants to this public consultation in June 2023 to further discuss the draft text and address any pending issues.

✓ [Link](#)

France

State aid: Commission approves EUR 119.3 million French restructuring aid for Air Austral and EUR 17.5 million compensation for damage suffered as a result of the coronavirus pandemic – (05.01.2023) The European Commission, pursuant to the EU rules on State aid, has authorised France's plan to pay (i) restructuring aid of EUR 119.3 million to enable the airline Air Austral to return to viability; and (ii) EUR 17.5 million in aid to compensate the company for damage suffered as a result of the coronavirus pandemic between 17 March and 30 June 2020. The EC approved the State aid under Article 107(3)(c) of the Treaty on the Functioning of the European Union (TFEU) and the [Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty](#). According to the Commission, the plan makes it possible to ensure the long-term viability of the airline and thereby prevent it from being wound up, which would cause considerable harm to Réunion as an outermost and assisted region. The EC found the aid to be proportionate, taking into account the measures in place to limit distortions in competition. Since

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the aid was based on the coronavirus outbreak, it considered it to be in line with EU State aid rules.

✓ [Link](#)

Antitrust: Commission invites comments on draft Guidelines for sustainability agreements in agriculture – (10.01.2023) The European Commission launched a [public consultation](#) inviting all interested parties to comment on its draft proposal for Guidelines on how to design sustainability agreements in the field of agriculture using the novel exclusion from EU competition rules introduced during the recent reform of the common agricultural policy ('CAP'). . The draft Guidelines aim at clarifying how operators active in the agri-food sector can design joint sustainability initiatives in line with Article 210a of Regulation 1308/2013 establishing a common organisation of the markets in agricultural products ('[CMO Regulation](#)'). Following the comments by the interested parties on the draft Guidelines, the Commission will carefully analyse those and implement any necessary changes with a view of having the Guidelines in place by 8 December 2023. In addition, the Commission plans to hold a workshop with participants to this public consultation in June 2023 to further discuss the draft text and address any pending issues.

✓ [Link](#)

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TRADE AND RUSSIA RESTRICTIONS

European Commission

EU confirms duties on dumped imports of aluminium road wheels from Morocco - (12.01.2023)

The Commission today imposed anti-dumping duties on imports of aluminium road wheels originating in Morocco. The anti-dumping duties, which range from 9% to 17.5%, have been in force provisionally since 15 July 2022.

✓ [Link](#)

Commission updates EU control list of dual-use items - (11.01.2023)

The European Commission published the Delegated Regulation (EU) 2023/66 that updates the EU dual-use export control list in Annex I to Regulation (EU) 2021/821. This brings it in line with the decisions taken within the framework of the international non-proliferation regimes and export control arrangements until December 2021. The updated list includes new entries in the field of electronics, semiconductors and computers such as: Electronic Computer-Aided Design (ECAD) used in the design process of Gate-All-Around Field-Effect Transistor (GAAFET), certain frequency synthesisers and signal generators, gallium oxide and diamond as new semiconductor materials, as well as their related

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technology. In the chemical and biological sector, it includes software specially designed for nucleic acid assemblers and synthesisers. Under the category of aerospace and propulsion, the addition of sub-orbital crafts and certain technology for the manufacturing of gas turbines (pressure gain combustion) stands out. There is a modification on additive manufacturing equipment designed for “superalloys”.

✓ [Link](#)

EU welcomes access to US subsidy scheme for commercial vehicles – (29.12.2022) New guidance issued today by the US reaffirms that EU companies can benefit from the Commercial Clean Vehicle Credit scheme under the US Inflation Reduction Act. Under the US guidance, Commercial Clean Vehicle Credits will be available to EU companies without requiring changes to established or foreseen business models of EU producers. This is a win-win for both sides, as it strengthens EU-US cooperation.

✓ [Link](#)

Commission reports on tenth negotiation round with five Eastern and Southern African countries to deepen existing Economic Partnership Agreement (20.12.2022) As part of its transparency commitment, the European Commission has published the report summarising progress made during the latest negotiation round to deepen the existing Economic Partnership Agreement (EPA) with five Eastern and Southern African partners (ESA5): Comoros, Madagascar, Mauritius, Seychelles and Zimbabwe. The tenth negotiation round took place both in Brussels and via video conference from 12-16 December 2022. This round included discussions on eight out of the thirteen thematic parts covered by these negotiations. The next round is tentatively scheduled to take place in March 2023.

✓ [Link](#)

World Trade Organization

WTO issues information note on steel decarbonization standards, ready for March event – (21.12.2022) The WTO Secretariat on 21 December published a new information note mapping the proliferation of standards for decarbonizing the steel industry and outlining how the work of the WTO could support harmonization efforts and help prevent trade frictions. The note also underscores the importance of addressing developing countries’ needs with respect to decarbonization standards. It is released ahead of the WTO’s global stakeholder event on steel decarbonization standards to be held on 9 March 2023.

✓ [Link](#)

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ENERGY AND GREEN DEAL

European Commission

EU Cohesion policy: €869 million for a just climate transition in Spain – (22.12.2023) Spain will receive almost €869 million from the Just Transition Fund (JTF) following the adoption of the Just Transition Programme and its Territorial Just Transition Plan (TJTP). The funding will help the country firmly advance in the transition towards a climate-neutral economy in a fair way. This includes most notably the region of Asturias, which will receive almost one third of the Spanish JTF funding, but also other regions receiving funds are A Coruña in Galicia, Teruel in Aragón, León and Palencia in Castilla y León, Almería, Cádiz, and Córdoba in Andalusia; and a group of municipalities around Alcúdia on the island of Mallorca. The Fund will finance a hub for **technological innovation in offshore renewable energy** and **energy storage** in A Coruña, support the renovation of public buildings in León to improve their energy performance; and promote an innovative project using microalgae to produce renewable fuels in Cádiz. In addition, the JTF will support SMEs in the **agri-food industry** in Córdoba. Finally, the JTF will pay special attention to the training and reskilling of unemployed persons, SME staff and workers in carbon-intensive industries, developing the qualifications needed for a sustainable development of the territories and for workers to find well-paid jobs.

✓ [Link](#)

European Parliament

European Parliament Eurobarometer survey reveals widespread concern over energy prices and cost of living crisis – (12.01.2023) The European Parliament published a Eurobarometer survey. It revealed that In every EU Member State, more than seven in ten respondents are worried about the rising cost of living, with peak results in Greece (100%), Cyprus (99%), Italy and Portugal (both 98%). The rising prices, including for energy and food, are felt across all sociodemographic categories such as gender or age as well as all educational and socio-professional backgrounds. The second most mentioned worry with 82% is the threat of poverty and social exclusion, followed by climate change and the spread of the war in Ukraine to other countries equal in third place with 81%. Citizens expect the EU to continue working on solutions to mitigate the compounding effects of the consecutive crises that have hit the continent. High support for the EU is based on the experience of past years, with the EU demonstrating a remarkable capacity to unite and to deploy effective measures. For now, citizens are not satisfied by the actions taken either at national or at EU level. Only a third of Europeans express satisfaction with measures taken by their national governments or the EU to tackle the rising cost of living. The European Parliament's Autumn 2022 Eurobarometer was carried out by Kantar between 12 October and 7 November in

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all 27 EU Member States. The survey was conducted face-to-face, with video interviews (CAVI) used additionally in Czechia and Denmark. 26.431 interviews were conducted in total. EU results were weighted according to the size of the population in each country.

✓ [Link](#)

ENVI Members to vote on Deforestation, LULUCF and ESR provisional agreements – (11.01.2023) At the upcoming ENVI committee meeting of 16.01.2023, Members will vote on provisional agreements on key Fit for 55 files: the regulations on Land Use, Land-Use Change and Forestry (LULUCF), and Effort Sharing (ESR), as well as on Deforestation. The LULUCF provisional agreement setting out the targets of the Member States for 2030 and the collective achievement of climate neutrality by 2035 in the land use, forestry and agriculture sector as well as setting out the monitoring, reporting, and tracking of progress and review, is to be voted on. Members will also vote on the ESR agreement on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030. The last vote will be on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing the EU Timber Regulation.

✓ [Link](#)

European Council

Brazil: Statement by the High Representative on behalf of the EU on the attack on democratic institutions – (08.01.2023) Supporters of ex-president Jair Bolsonaro in Brasilia invaded the buildings of the Brazilian Executive, Legislative and the Supreme Court, leading to riots and an open attack against the democratic institutions of the country. These acts of vandalism happened just a few days after the inauguration of the democratically elected president of the Republic, Luiz Inácio Lula da Silva. The European Union states that it condemns firmly these shocking acts of political violence, and the unacceptable attack against democracy they represent. They express their solidarity with President Lula and the Brazilian institutions in their defence of democracy, and support the measures adopted to restore order and respect for the rule of law. The EU welcomes the ongoing efforts to investigate those responsible for the attacks on Brazil's democracy and for acts of vandalism against public property and historic national heritage.

✓ [Link](#)

Forward look: 9 - 22 January 2023 – (6.01.2023) The European Council established the main topics and events at the Council of EU and European Council for the coming fortnight. The main upcoming event will be the Economic and Financial Affairs Council, on 17 January 2023, where economic and financial affairs ministers will exchange views on the economic and financial repercussions of Russia's war against Ukraine. They will also approve conclusions on the Alert Mechanism Report 2023 and the Annual Sustainable Growth Survey 2023, and approve a draft

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Council recommendation on the economic policy of the euro area for 2023. The Swedish Presidency will additionally present its work programme for this year's first semester..

✓ [Link](#)

BANKING & FINANCE

European Central Bank (BCE)

Results of the December 2022 Survey on credit terms and conditions in euro-denominated securities financing and over-the-counter derivatives markets (SESFOD) – (13.01.2023) The European Central Bank (ECB) published results of the December 2022 Survey on credit terms and conditions in euro-denominated securities financing and over-the-counter derivatives markets (SESFOD). The main findings are:

✓ [Link](#)

ECB Consumer Expectations Survey results – November 2022 – (12.01.2023) The European Central Bank (ECB) published its Consumer Expectations Survey results for November 2022. Compared with October:

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

✓ [Link](#)

Croatia introduces the euro – (01.01.2023) The euro entered circulation in Croatia, bringing the number of European Union (EU) Member States using the single European currency to 20. With Croatia joining the euro area, Hrvatska narodna banka, the country's national central bank, becomes a member of the Eurosystem. The euro area's central banking system comprises the ECB and the national central banks of those countries whose currency is the euro. Hrvatska narodna banka also becomes a full member of the Single Supervisory Mechanism, although the country has been part of the [close cooperation](#) framework since October 2020. Croatian counterparties

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of the Eurosystem will be able to participate in ECB open market operations announced after 1 January 2023. A list of credit institutions and branches of credit institutions located in Croatia that are subject to reserve requirements will be published shortly on the ECB's website, as will lists of branches of Croatian credit institutions located in other EU Member States already using the euro. The ECB announced [transitional provisions](#) for minimum reserve requirements on 28 October 2022. Assets located in Croatia that fulfil the necessary requirements will be added to the euro area's [list of eligible collateral](#)

✓ [Link](#)

European Banking Authority (EBA)

The liquidity coverage ratio of EU banks declined in the first half of 2022 but is still well above the minimum requirement – (13.01.2023) The European Banking Authority (EBA) published its Report on liquidity measures, which monitors and evaluates the liquidity coverage requirements currently in place in the EU. The liquidity coverage ratio (LCR) declined to 166% in June 2022. The fall was due to an increase in outflows driven by higher interest rates and volatility which led to a decline in asset prices during the first half of the year. The evolution of banks' LCR levels is particularly relevant given the uncertain economic outlook with high levels of inflation and the process of normalisation of the monetary policy. EU banks hold materially lower liquidity buffers in foreign currencies, particularly the USD, which requires enhanced monitoring by banks and supervisors to avoid excessive vulnerability to disruptions in the foreign exchange markets.

✓ [Link](#)

EBA Risk Dashboard shows that capital and liquidity ratios remain robust – (12.01.2023) The European Banking Authority (EBA) published its quarterly Risk Dashboard together with the results of the autumn edition of the Risk Assessment Questionnaire (RAQ). Detailed information, especially supported by graphics is available in the link below.

✓ [Link](#)

European Supervisory Authorities identify good practices for financial education initiatives on scams, fraud and cyber security – (12.01.2023) The three European Supervisory Authorities (EBA, EIOPA and ESMA - ESAs) published a joint thematic Report on national financial education initiatives on digitalisation, with a focus on cybersecurity, scams, and fraud. The Report identifies good practices that national competent authorities and other public entities can follow when designing and implementing their financial education initiatives.

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EBA updates JSON files within the taxonomy package – (10.01.2023) The European Banking Authority (EBA) updated the JSON files within the taxonomy package. The updates are limited to the JSON files and, therefore, only impact the XBRL-CSV reporting documents. To identify columns, a data point identifier is being used instead of a data point version identifier. More information on the supporting documents in the link below.

✓ [Link](#)

European Security and Market Authority (ESMA)

European Supervisory Authorities identify good practices for financial education initiatives on scams, fraud and cyber security – (12.01.2023) The three European Supervisory Authorities (EBA, EIOPA and ESMA - ESAs) published a [joint thematic Report](#) on national financial education initiatives on digitalisation, with a focus on cybersecurity, scams, and fraud. The Report identifies good practices that national competent authorities and other public entities can follow when designing and implementing their financial education initiatives.

✓ [Link](#)

A new look for ESMA – (03.01.2023) The European Securities and Markets Authority (ESMA), the EU's financial markets regulator and supervisor, unveiled a new logo and visual identity. The logo and other visual elements will be used on all ESMA publications as of today, and all IT systems have been updated. In addition, ESMA is finalising a new website, which will be launched later this month.

✓ [Link](#)

EU FUNDS AND RRF

European Commission

EIB agrees technical assistance facilities for vital energy efficiency and climate adaptation investments in public sector in Greece – (12.01.2023) – Greece's Ministry of Development and Investments will use European Local Energy Assistance (ELENA) funded technical assistance to prepare at least €79 million worth of energy efficiency projects countrywide. Technical assistance services will help prepare renovations to improve energy efficiency in public buildings, such as schools, hospitals, sports venues, and administrative facilities. Retrofits will lead to a reduction of at least 64 GWh in energy consumption each year, which is equivalent to an annual cut of nearly 20,000 tonnes of CO2 emissions. Additionally, EIB and Ministry of Development and Investments sign cooperation agreement for initial one-and-a-half-year period to boost investments in climate adaptation in Greece. This latest agreement marks the fifth project in Greece backed by ELENA

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technical assistance, and the first at the national level. Previous projects completed include the development of Smart-Grid Infrastructure in off-grid islands in the Aegean Sea, and efficient, eco-friendly transportation, public lighting, and buildings in the region of Epirus. Two more projects are ongoing - Improving Energy Efficiency in the Region of South Aegean and INTERACT in Crete (INTEgrated sustainable enERgy ACTions).

✓ [Link](#)

Recovery and Resilience Facility (RRF)

RRF 2nd Payment request – GREECE. Preliminary positive assessment by the European Commission

✓ [Link](#)

RRF 1st Payment request – BULGARIA. Preliminary positive assessment by the European Commission

✓ [Link](#)

RRF 1st Payment request – CROATIA. Preliminary positive assessment by the European Commission

✓ [Link](#)

10

LIFE SCIENCES

European Commission

Public health: more time to certify medical devices to mitigate risks of shortages – (06.01.2023)

The European Commission adopted a proposal to give more time to certify medical devices to mitigate the risk of shortages. The proposal introduces a longer transition period to adapt to new rules, as foreseen under the Medical Devices Regulation. The new deadlines depend on the medical devices' risk class and will ensure continued access to medical devices for patients. It will also allow medical devices placed on the market in accordance with the current legal framework and that are still available to remain on the market. The availability of safe medical devices for European patients is our priority. This proposal does not change any of the current safety and performance requirements provided for in the Medical Devices Regulation. It only amends the transitional provisions to give more time for manufacturers to transition from the previously applicable rules to the new requirements of the Regulation. The length of the proposed extension of the transition periods depends on the type of device: higher risk devices such as pacemakers

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and hip implants will benefit from a shorter transition period - until December 2027 - than medium and lower risk ones, such as syringes or reusable surgical instruments - until December 2028.

✓ [Link](#)

European Health Union: a new EU Health security framework is in motion – (25.12.2022) The building blocks of the European Health Union are officially in place. This not only includes stronger EU rules on serious cross-border threats to health, but also a stronger mandate of the European Centre for Disease Prevention and Control (ECDC) and a new Emergency Framework for medical countermeasures. Taken together with an extended mandate of the European Medicines Agency (EMA) and the establishment of the Health Emergency Preparedness and Response Authority (HERA), the EU now has the tools necessary to prepare for and better respond in the event of a public health emergency. The entry into force of these new rules completes the preparedness and response capacities of the European Health Union, creating a robust legal framework to improve the EU's capacity in the vital areas of prevention, preparedness, surveillance, risk assessment, early warning, and response. A stronger ECDC is now able not only issue recommendations to Member States regarding health threats preparedness, but also host a new excellence network of EU reference laboratories and establish an EU Health Task Force for rapid health interventions in the event of a major outbreak To be effective and operational in times of public health emergencies, the Emergency Framework Regulation now allows the establishment within HERA of a Health Crisis Board. This Board will rapidly coordinate at EU level the supply of and access to medical countermeasures. The Regulation also enables the activation of the EU fab facilities, emergency research and innovation plans and access to emergency funding.

✓ [Link](#)

Life science key events in institutions

European Parliament

Monday, 16 January, 19:00-21:00 ENVI

- Exchange of views with the European Centre for Disease Prevention and Control (ECDC) on the current COVID-19 situation, especially in China.

Thursday, 19 January, 12:00 EPRS

- EPRS Policy Talks: What the EU does to fight antibiotic resistance?

Monday 16 - Thursday 19 January 2023 Plenary

- Tuesday

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- Council and Commission statements - Surge of respiratory infections and the shortage of medication in Europe

Council of the European Union

Tuesday, 17 January 14:30, Working Party on Pharmaceuticals and Medical Devices and of the Working Party on Public Health

- Presentation of the Swedish Presidency priorities

Proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) 2017/745 and (EU) 2017/746 as regards the transitional provisions for certain medical devices and in vitro diagnostic medical devices

TRANSPORT

European Commission

Road transport: the driver does not have to provide proof of where he spent his 45-hour rest - (04.01.2023)

The European Commission recently released an explanatory note on the European legislation which prohibits drivers of industrial vehicles from stopping in the cab for weekly rest or for more than 45 hours. The clarification comes on the application of Article 8, paragraph 8, of Regulation (EC) No. 561/2006, specifying the permitted checks, which would be indicated by article 36 of Regulation (EU) no. 165/20142. These checks are extended to tachograph record sheets, if analogical, or, if digital, to manual and driver card records and printouts. Therefore, according to article 34, paragraph 3 of regulation (EU) no. 165/2014, it is not possible to impose on the driver the obligation to justify his activity when away from the truck, nor to present a form certifying it: if a driver is found during rest hours inside the cab, he can be fined and the inspector can assume the right to verify the previous weekly rest periods in other countries. Nevertheless, the possibility of establishing such a verification does not imply the need to justify to the competent authorities a proof of the resting place. On the other hand, the possibility of sanctioning the driver for his own declaration remains in force, if he admits to having spent the rest time in the cab. The European Commission recommends the authorities of individual countries to collaborate as best they can to prevent this last type of infringement.

✓ [Link](#)

Transport key events in the Institutions

Next TRAN Committee meeting: 30th and 31st January 2023

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DATA, IP, AND PRIVACY

European Data Protection Board

Facebook and Instagram decisions: “Important impact on use of personal data for behavioural advertising” – (12.01.2023) The European Data Protection Board (EDPB) announced that, following the EDPB’s binding dispute resolution decisions of 5.12.2022, the Irish Data Protection Authority (IE DPA) has adopted its decisions regarding Facebook and Instagram (Meta Platforms Ireland Limited, ‘Meta IE’). These decisions are the result of complaint-based inquiries into Facebook’s and Instagram’s activities concerning the lawfulness and transparency of processing for behavioural advertising. Meta IE was fined Euro 210 million in the Facebook decision and Euro 180 million in the Instagram decision by the IE DPA.

✓ [Link](#)

Finnish SA: Administrative fine on Viking Line for unlawful processing of employees' health data – (6.01.2023) The European Data Protection Board (EDPB) announced that an administrative fine of Euro 230,000 was imposed on Viking Line for several violations of data protection legislation. According to the complainant, Viking Line had been keeping health data of their employees in an HR system for 20 years. Viking Line had saved diagnoses in connection with information on absences due to illness into the HR system. According to the Finnish Data Protection Act, saving diagnosis information in connection with other employment-related data is against the law. The Finnish SA ordered the company to correct its practices and inform its employees of the processing of their personal data as required by the GDPR.

✓ [Link](#)

Polish SA imposed fine on telecom operator for failure to notify the personal data breach – (3.01.2023) The European Data Protection Board (EDPB) announced that the Polish SA imposed administrative fine on P4 Sp. z o.o. – a telecom operator - for failure to notify the personal data breach to the supervisory authority within 24 hours after having become aware of it and the to communicate the personal data breach to the subscriber without undue delay.

✓ [Link](#)

EU CASE LAW AND EUROPEAN PUBLIC PROSECUTOR OFFICE (EPPO)

Court of Justice of the European Union

A term in a contract for the provision of legal services concluded between a lawyer and a consumer which sets the price based on an hourly rate, without including any further details, does not satisfy the requirement of being drafted in plain intelligible – (12.01.2023) The Court of Justice of the European Union delivered its judgment in Case C-395/21 *D.V. (Lawyers' fees – Principle of an hourly rate)*. M.A., as a consumer, concluded five contracts for the provision of legal services for consideration with D.V., in her capacity as a lawyer. Each of those contracts provided that the fees were calculated based on an hourly rate. When she did not receive all the fees claimed, D.V. brought an action before the Lithuanian court of first instance seeking an order that M.A. pay the sum in respect of the legal services performed. That court upheld D.V.'s application in part. The appeal brought by D.V. was dismissed by the appeal court. D.V. brought an appeal on a point of law before the Supreme Court of Lithuania. That court asks the Court of Justice how to interpret provisions of EU law intended to protect consumers from unfair contract terms, in particular about the scope of the requirement that a term in a contract for the provision of legal services must be drafted in plain intelligible language and to the effects of a finding that a term setting the price of those services is unfair. In its judgment, the Court states that a term in a contract for the provision of legal services which sets the price on the basis of an hourly rate, without the consumer being provided beforehand with information that enables him or her to take a prudent decision in full knowledge of the economic consequences of concluding that contract, does not satisfy the requirement of being drafted in plain intelligible language within the meaning of EU law. The national court may restore the situation in which the consumer would have been in the absence of an unfair term, leaving the seller or supplier without any remuneration for the services provided.

✓ [Link](#)

Sexual orientation cannot be a reason to refuse to conclude a contract with a self-employed worker – (12.01.2023) The Court of Justice of the European Union delivered its judgment in case C-356/21 *TP (Audiovisual editor for public television)*. A self-employed worker prepared audiovisual material for the promotional programmes of TP, a company that operates a nationwide public television channel in Poland. After the publication of a video on YouTube aimed at promoting tolerance towards same-sex couples, that worker's shifts were unilaterally cancelled by TP and, subsequently, no new contract for specific work was concluded with him. Considering himself to be a victim of direct discrimination based on his sexual orientation, that worker brought an action for compensation before the District Court of Warsaw (Poland). That court questioned the Court of Justice. With its judgment, the Court holds that the situation at issue in the main

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proceedings falls within the scope of Directive 2000/78/EC on equal treatment in employment and occupation. In fact, the Court notes that a person who has been self-employed may also find himself or herself obliged to stop working due to his or her contractual counterparty and thus be in a vulnerable position comparable to that of an employed worker who has been dismissed. The Court concludes, subject to the assessment to be carried out by the referring court, that the decision not to renew the contract on the ground of the sexual orientation of the contractor falls within the scope of Directive 2000/78.

✓ [Link](#)

Every person has the right to know to whom his or her personal data have been disclosed –

(12.01.2023) The Court of Justice of the European Union delivered its judgement in case C-154/21 *Österreichische Post (Information regarding the recipients of personal data)*. A citizen brought proceedings against the principal operator of postal and logistical services in Austria (Österreichische Post) before the Austrian courts to disclose to him the identity of the recipients to whom it had disclosed his personal data. The Supreme Court of Austria, hearing the dispute at last instance, wishes to know whether the GDPR leaves the data controller the choice to disclose either the specific identity of the recipients or only the categories of recipient, or whether it gives the data subject the right to know their specific identity. In its judgment, the Court replies that where personal data have been or will be disclosed to recipients, there is an obligation on the part of the controller to provide the data subject, on request, with the actual identity of those recipients. It is only where it is not (yet) possible to identify those recipients that the controller may indicate only the categories of recipient in question. That is also the case where the controller demonstrates that the request is manifestly unfounded or excessive.

15

✓ [Link](#)

European Public Prosecutor Office (EPPO)¹

EPPO in Hamburg discovers case of professional smuggling of luxury cars – Euro 3.5 million lost

in import duties – (11.01.2023) The European Public Prosecutor's Office (EPPO) announced that, according to the result of investigations by the EPPO in Hamburg and the Customs Investigation Office in Hanover, four persons are suspected of having formed a criminal group to smuggle high-priced motor vehicles and declaring them to the customs authorities at a falsely reduced value. They are accused of both gang and professional smuggling, and the evasion of import duties. One of the accused is additionally suspected of money laundering, in a case in which he bought a

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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smuggled car knowing about the illegality of its importation, especially that import duties for the vehicle had been evaded.

✓ [Link](#)

Italian company indicted for fraud concerning road modernisation works in Romania – (10.01.2023)

The European Public Prosecutor's Office (EPPO) announced that on 6.12.2022 EPPO referred a criminal case to the Iași Court, in Romania, where one company registered in Italy and three individuals were indicted for fraud concerning road modernisation works in the municipality of Ibănești, in the Botoșani county. The charges against the defendants include using false documents to obtain funds from the EU budget, by falsely declaring works that were not carried out by the builder. According to the investigation, the company, via three of its legal representatives and supervisors, falsely claimed that the works carried out on a portion of the road exceeded what was established in the contract concluded between the Agency for Financing Rural Investments and the municipality of Ibănești – namely in terms of the quality and the quantity of the works provided.

✓ [Link](#)

Mayor of Romanian municipality indicted for attempted subsidy fraud and forgery – (09.01.2023)

The European Public Prosecutor Office (EPPO) announced that EPPO filed an indictment against the mayor of Brăhăsești, a rural municipality in the Galați county, in Romania, at the Iași County Court, on 7.12.2022, for attempted subsidy fraud and forgery of official documents. The mayor is accused of attempting to unlawfully obtain EU funds, under a project to support the initial development of new companies within the local community, financed by the Human Capital Operational Program 2014–2020. As the beneficiary of the EU funding, the Brăhăsești municipality had to organise learning courses for future entrepreneurs, who in turn had to develop business plans for analysis and selection for financial aid – which would be granted after the companies were established.

✓ [Link](#)

CALLS

European Commission

Consultation on Cancer prevention and action to promote vaccination against cancer-causing viruses (06.02.2022) - The Commission has opened a consultation on a proposal for a recommendation regarding. Cancer prevention and the promotion of vaccines against cancer-causing viruses. One of 10 flagship initiatives in the Europe's Beating Cancer Plan is to support Member State efforts to extend routine vaccination against viruses that can cause cancers later in life. The Commission will propose actions to increase the uptake of vaccination against the Hepatitis B virus and human papillomaviruses. These actions will include reducing physical obstacles to vaccination, targeted communication, and fighting mis- and disinformation.

✓ [Link](#)

Consultation on Insolvency and convergence of national laws (09.02.2023) - The Commission has opened a consultation on a proposal for a directive regarding increasing convergence of national insolvency laws to encourage cross-border investment. Efficient insolvency laws are one of the key criteria for investors to decide on whether to invest across borders. Increasing confidence in cross-border financing will boost the Union's capital markets. This initiative will address the main discrepancies in national corporate (non-bank) insolvency laws, which have been recognised as obstacles to a well-functioning Capital Markets Union. It will consider the legitimate interests of all creditor groups, from investors and the public purse to employees and consumers.

✓ [Link](#)

Consultation on A New Agenda for EU relations with Latin America and the Caribbean (09.02.2023) - The Commission has opened a consultation on EU foreign relations and security policy with Latin America and the Caribbean. The partnership between the European Union and Latin America and the Caribbean needs to be reinvigorated in light of the new geopolitical reality. The initiative will outline a comprehensive agenda to step up relations with a region that is an important partner for trade and investment and the digital and green transition, and which can be a strategic and like-minded ally in multilateral fora.

✓ [Link](#)

Consultation on updating EU rules on late payments (09.02.2023) - The Commission has opened a consultation a proposal for a Directive regarding EU rules on late payments. EU rules on late

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payments (Late Payments Directive) have triggered a reduction in payment delays. However, more than 60% of EU businesses are still not paid on time, and small and medium-sized companies (SMEs) are most affected. The initiative will help SMEs by revising existing EU payment rules based on available and upcoming evidence to promote a definitive shift towards a culture of ‘prompt payment’.

✓ [Link](#)

Consultation on Combating online piracy of live content (10.02.2023) – The Commission has opened a consultation on piracy of live content, the Commission aims to offer a toolbox to combat illegal streaming of live events, in particular sport events. Building on relevant EU legislative instruments, the Commission will encourage Member States and private parties to use the tools available in EU law to tackle illegal online transmission of live content more efficiently.

✓ [Link](#)

Consultation on review of EU rules on human trafficking (10.03.2023) - The Commission has opened a consultation a proposal for a regulation regarding the revision of EU legislation on human trafficking and on a proposal for a Directive. As announced in the strategy on combatting trafficking in human beings, this review of the Anti-Trafficking Directive – which will be based on the findings of an evaluation – will aim to modernise EU anti-trafficking rules. It will specifically explore the possibility of making the use of the services of exploited victims of trafficking a mandatory criminal offence.

✓ [Link](#)

Consultation on EU legislation on hazard classification, labelling and packaging of chemicals (01.06.2023) - The Commission has opened a consultation a proposal for a regulation regarding Revision of EU legislation on hazard classification, labelling and packaging of chemicals For the implementation of the Green Deal, the chemicals strategy for sustainability sets out a number of actions that require a targeted revision of the Regulation on the classification, labelling and packaging of chemical substances and mixtures. Various options for revision will be analysed in an impact assessment and, based on the results, the Commission will present legislative proposals for a revision of both the enacting terms of and the annexes to that Regulation.

✓ [Link](#)

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AGENDA

EU Parliament

- ✓ Plenary Session – Strasbourg: 16.01.2023
- ✓ Committee BUDG: 30.01.2023
- ✓ Committee ECON: 23.01.2023
- ✓ Committee IMCO: 23.01.2023
- ✓ Committee LIBE: 30.01.2023
- ✓ Committee ENVI 16.01.2023 (extraordinary meeting)

EU Council

- ✓ European Council: 09.02.2023

Eurogroup

- ✓ Meeting – 16.01.2023

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