

# Swiss and Dutch authorities take action against voice phishing

□18 July 2018

Yesterday, an action took place in the Netherlands against an internationally active group involved in voice phishing. In the presence of Swiss authorities, two suspects were arrested and several searches were carried out in the Netherlands.

The crimes occurred when bank customers in various countries received e-mails and telephone calls claiming to be from their bank, asking for banking log in information. With this information, the group was able to illegally transfer money out of the customers' accounts.

Swiss authorities began an investigation into the group, and asked the Dutch authorities for assistance. The Dutch authorities also opened their own investigation.

Eurojust held three coordination meetings, in March, April and June 2018, to prepare for today's action. Eurojust also facilitated the discussions regarding mutual legal assistance requests.

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## Remarks by President Donald Tusk after his meeting with Prime Minister of Georgia Mamuka Bakhtadze

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I am very happy to welcome today Prime Minister Bakhtadze in Brussels and to congratulate him on his appointment as Prime Minister of Georgia. Thank you for your choice, this is your very first visit as new Georgian Prime Minister, very symbolic and I really appreciate.

Let me first of all express my condolences to the families and friends of those killed in the recent mining accident in Tkibuli and wish those who are

wounded a speedy recovery.

The European Union and Georgia are close partners and friends. In our meeting today, the Prime Minister and I confirmed our determination to further deepen our cooperation on the basis of the ambitious Association Agreement and take into account the strategic character of Georgia's political association and economic integration with the Union.

The EU remains a strong supporter of Georgia's successful reform process. We agreed on the need to keep up these efforts.

I took great interest in our discussions on the regional situation. Georgia is situated in a challenging neighbourhood, where it plays a crucial role as facilitator and bridge builder. The EU appreciates Georgia's efforts in this respect and we look forward to continuing to work together to advance stability, security and development in this region. Furthermore, there is great appreciation for Georgia's constructive role in the Eastern Partnership and as a security provider to both European and transatlantic missions abroad.

As we will soon be commemorating the 10th anniversary of the war between Georgia and Russia in August 2008, let me reiterate the European Union's unwavering support for the sovereignty and territorial integrity of Georgia within its internationally recognised borders. It is important to note that in these past ten years, Georgia has succeeded in strengthening its democratic institutions and developing a thriving economy. The European Union will continue to provide support to Georgia and to reinforce the country's resilience and capacity to find a peaceful resolution of the conflicts. In this context, we welcome the initiative "a step to a better future", which provides people living in Abkhazia and South Ossetia with new trade and education opportunities. We stand ready to provide further assistance to support its implementation.

Dear Prime Minister, let me wish you every success in your new office. I look forward to working with you.

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## [Daily News 19 / 07 / 2018](#)

### **President Juncker visits Spain, 19-20 July**

Today and tomorrow, President **Juncker** is in Madrid, Spain. This afternoon, he will have an audience with His Majesty King Felipe VI, in the presence of the Minister of Foreign Affairs and Cooperation of Spain, Josep Borrell. This evening, President **Juncker** will give the 4<sup>th</sup> Carlos de Amberes Commemorative Lecture, entitled "New Perspectives for the Future of the EU" at the Carlos

de Amberes Foundation, where he will be introduced by Prime Minister Pedro Sánchez. Tomorrow, Friday 20 July, President **Juncker** will be awarded the Prize Marquess of Villalobar by the Chamber of Commerce of Belgium and Luxembourg. He will be introduced by Pío García-Escudero, President of the Senate, who will pronounce the Laudation. Follow President **Juncker's** visit live on [EbS+](#). (For more information: Margaritis Schinas – Tel.: +32 229 60524)

**Procédures** d'infraction du mois de juillet: la Commission prend des mesures en vue d'une mise en œuvre complète, correcte et en temps utile du droit de l'Union dans l'intérêt des citoyens et des entreprises

Pour aider les citoyens et les entreprises à tirer pleinement profit du marché intérieur, la Commission européenne noue un dialogue permanent avec les États membres qui ne respectent pas le droit européen et, au besoin, ouvre des procédures d'infraction à leur égard. Les décisions prises aujourd'hui, dans le cadre des décisions régulières d'infraction, comprennent 146 lettres de mise en demeure, 14 avis motivés et 16 renvois à la Cour de justice de l'UE. Elle clôt également 80 dossiers en cours lorsque l'État membre concerné, en coopération avec la Commission, a résolu le problème et assuré le respect du droit de l'Union et que, dès lors, une saisine de la Cour de justice de l'Union européenne n'est pas nécessaire. Un résumé des principales décisions et les références des communiqués de presse correspondants figurent [ici](#). Les aspects essentiels des procédures d'infraction de l'UE sont énoncés [ici](#). (Pour plus d'informations: Alexander Winterstein – Tel.: +32 229 93265)

**Brexit: European Commission publishes Communication on preparing for the UK's withdrawal from the EU**

The European Commission has today [adopted a Communication](#) outlining the ongoing work on the preparation for all outcomes of the United Kingdom's withdrawal from the European Union. On 30 March 2019, the United Kingdom will leave the EU and become a third country. This will have repercussions for citizens, businesses and administrations in both the United Kingdom and the EU. These repercussions range from new controls at the EU's outer border with the UK, to the validity of UK-issued licences, certificates and authorisations and to different rules for data transfers. Today's text calls on Member States and private parties to step up preparations and follows a request by [the European Council \(Article 50\)](#) last month to intensify preparedness at all levels and for all outcomes. Preparing for the UK's withdrawal is not only the responsibility of the EU institutions. It is a joint effort at EU, national and regional levels, and also includes in particular economic operators and other private parties – everyone must now step up preparations for all scenarios and take responsibility for their specific situation. A full press release is available [online](#). (For more information: Alexander Winterstein – Tel.: +32 229-93265; Daniel Ferrie – Tel.: +32 229 86500)

**Juncker Plan renews support for windfarms in Greece**

The European Investment Bank (EIB) has signed a €24 million financing agreement with the Greek Terna Energy Group to help fund the development, construction and operation of two windfarms on Mount Vermio in northern Greece. The EIB's loan is backed under the EU budget guarantee of the Juncker Plan's European Fund for Strategic Investments (EFSI). This is the second such agreement with Terna following one [last July](#) to finance windfarms in the Viotia region, and it comes the day after the Commission and the EIB announced that the Juncker Plan has exceeded its original €315 billion investment target, [reaching €335 billion in investment](#) across the EU. Greece is currently ranked top in terms of EFSI-triggered investment relative to GDP, with €10.6 billion in investment mobilised as of July 2018. Pierre **Moscovici**, Commissioner for Economic and Financial Affairs, Taxation and Customs, said: "After Greece exits its stability support programme on 20 August, the country will stand on its own two feet – but the European Commission will continue to stand by its side, including financially. Today's announcement is a concrete example of how the Juncker Plan is helping to modernise Greece's energy infrastructure, supporting growth and job creation along the way." (Full press releases can be found [here](#). For more information: Christian Spahr – Tel.: +32 229 50055; Siobhán Millbright – Tel.: +32 229 57361)

### **Antitrust: Commission fines Google €4.34 billion for illegal practices regarding Android mobile devices to strengthen dominance of Google's search engine**

The European Commission has fined Google €4.34 billion for breaching EU antitrust rules. Since 2011, Google has imposed illegal restrictions on Android device manufacturers and mobile network operators to cement its dominant position in general internet search. In particular, Google: (i) has required manufacturers to pre-install the Google Search app and browser app (Chrome), as a condition for licensing Google's app store (the Play Store); (ii) made payments to certain large manufacturers and mobile network operators on condition that they exclusively pre-installed the Google Search app on their devices; and (iii) has prevented manufacturers wishing to pre-install Google apps from selling even a single smart mobile device running on alternative versions of Android that were not approved by Google (so called "Android forks"). Google must now bring the conduct effectively to an end within 90 days or face penalty payments of up to 5% of the average daily worldwide turnover of Alphabet, Google's parent company. Commissioner Margrethe **Vestager**, in charge of competition policy, said: "Today, mobile internet makes up more than half of global internet traffic. It has changed the lives of millions of Europeans. Our case is about three types of restrictions that Google has imposed on Android device manufacturers and network operators to ensure that traffic on Android devices goes to the Google search engine. In this way, Google has used Android as a vehicle to cement the dominance of its search engine. These practices have denied rivals the chance to innovate and compete on the merits. They have denied European consumers the benefits of effective competition in the important mobile sphere. This is illegal under EU antitrust rules." For more information, see full [press release](#), which is available in all languages. (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Giulia Astuti – +32 229

55344)

### **Mergers: Commission clears acquisition of joint control over Noustique by Puig International and BSH**

The European Commission has approved, under the EU Merger Regulation, the acquisition of joint control over Noustique Perfumes, S.L. of Spain, by Puig International, S.A. of Switzerland and BSH Hausgeräte GmbH (“BSH”) of Germany. Noustique is active in the development and promotion of a new product in the perfume sector. Puig International is active in the manufacture and distribution of fragrances and cosmetics. BSH manufactures and distributes home appliances via its global and local brands. The Commission concluded that the proposed acquisition would raise no competition concerns given the lack of horizontal overlaps and vertical relationships between the companies’ activities. The transaction was examined under the simplified merger review procedure. More information is available on the Commission’s [competition](#) website, in the public [case register](#) under the case number [M.8891](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Giulia Astuti – +32 229 55344)

### **Concentrations : La Commission autorise l’acquisition d’Aluminium Dunkerque par Liberty Industries France**

La Commission Européenne a approuvé, en vertu du règlement européen sur les concentrations, l’acquisition d’Aluminium Dunkerque (France) par Liberty Industries France (France), contrôlée par Liberty House Group (Royaume-Uni). Aluminium Dunkerque fabrique de l’aluminium primaire en France. Liberty House Group est actif dans la production, le négoce et le recyclage d’acier et d’aluminium ainsi que dans la fabrication de produits d’ingénierie à valeur ajoutée, dans le monde entier. La Commission a conclu que la concentration envisagée ne soulèverait pas de problème de concurrence, compte tenu de son impact très limité sur la structure du marché. La transaction a été examinée dans le cadre de la procédure simplifiée de contrôle des concentrations. De plus amples informations sont disponibles sur le [site internet concurrence](#) de la Commission, dans le [registre public](#) des affaires sous le numéro d’affaire [M.8939](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Giulia Astuti – +32 229 55344)

### **Mergers: Commission clears acquisition of sole control over ZKW by LG Electronics**

The European Commission has approved under the EU Merger Regulation the acquisition of ZKW Holding GmbH and Mommert Gewerbeimmobilien Verwaltungs GmbH, both of Austria (together “ZKW”), by LG Electronics, Inc. of South Korea. ZKW is a manufacturer of automotive lighting that develops and produces lighting systems for the full range of automotive vehicles. ZKW mainly produces front lighting systems for original equipment manufacturers in the European Union. LG Electronics is a producer and supplier of electronics, mobile communications devices and home appliances on a global level. The Commission concluded that the proposed acquisition would raise no

competition concerns given the negligible overlap between the companies' activities in the European Economic Area. The transaction was examined under the simplified merger review procedure. More information is available on the Commission's [competition](#) website, in the public [case register](#) under the case number [M.8938](#). *(For more information: Ricardo Cardoso – Tel.: +32 229 80100; Giulia Astuti – +32 229 55344)*

### **Antitrust: Commission sends Supplementary Statement of Objections on predatory pricing to Qualcomm [Updated on 19/07/2018 at 12:50]**

The European Commission has sent a Supplementary Statement of Objections to Qualcomm Inc. This is a procedural step in the Commission's ongoing investigation under EU antitrust rules looking into whether Qualcomm engaged in 'predatory pricing'. The Commission sent a Statement of Objections to Qualcomm in [December 2015](#) detailing its concerns. In particular, the Commission's preliminary view is that between 2009 and 2011 Qualcomm sold certain UMTS baseband chipsets at prices below cost, with the intention of eliminating Icera, its main competitor in the leading edge segment of the market at that time. UMTS chipsets are key components of mobile devices. They enable both voice and data transmission in third generation (3G) cellular communication. The Supplementary Statement of Objections sent today focuses on certain elements of the "price-cost" test applied by the Commission to assess the extent to which UMTS baseband chipsets were sold by Qualcomm at prices below cost. The sending of a Supplementary Statement of Objections does not prejudge the outcome of the investigation. More information is available on the Commission's competition website, in the public case register under the case number [AT.39711](#). *(For more information: Ricardo Cardoso – Tel.: +32 229 80100; Giulia Astuti – +32 229 55344)*

### **Capital Markets Union: Commission provides guidance on protection of cross-border EU investments**

The Commission has today issued guidance to help EU investors to invoke their rights before national administrations and courts and to help Member States to protect the public interest in compliance with EU law. Today's [Communication](#) aims to strengthen the business environment for EU investors. This is a crucial element in supporting more investment in the EU single market. EU law does not solve all problems investors may face in their activities. However, the Communication clarifies that EU law protects EU investors' rights, and investors can enforce these rights before national administrations and courts. EU investors can no longer rely on intra-EU bilateral investment treaties ('intra-EU BITs'). As the Commission has consistently stated, these treaties are illegal as they overlap with the EU single market rules and discriminate between EU investors. In a recent judgment (on the [Achmea](#) case), the Court of Justice of the European Union confirmed that investor-State arbitration in intra-EU BITs is illegal. Following this judgment, the Commission has intensified its dialogue with all Member States, calling on them to take action to terminate the intra-EU BITs. A full [press release](#) and [MEMO](#) can be found online. *(For more information: Johannes Bahrke: +32 229 58615; Letizia Lupini: +32 229 51958)*

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## Infringement – Internal energy market: Commission refers Germany and Hungary to the Court of Justice of the EU for failure to fully comply with the Third Energy Package

The European Commission is referring **Germany** to the Court of Justice of the EU to ensure a correct implementation of the Electricity Directive ([Directive 2009/72/EC](#)) and of the Gas Directive ([Directive 2009/73/EC](#)). Both directives are part of the [Third Energy Package](#) and contain key provisions for the proper functioning of energy markets.

Germany has not ensured full respect of rules concerning the powers and independence of the national regulatory authority. In particular, the regulator does not enjoy full discretion in the setting of network tariffs and other terms and conditions for access to networks and balancing services, since many elements for setting these tariffs and terms and conditions are to a large extent laid down in detailed regulations adopted by the Federal government. Furthermore, Germany has incorrectly transposed into national law several requirements concerning the independent transmission operator (ITO) unbundling model. For example, the rules on the independence of the staff and the management of the ITO do not fully respect these Directives and the definition of vertically integrated undertaking incorrectly excludes activities outside the EU.

A letter of formal notice was sent to Germany in February 2015, followed by a reasoned opinion in April 2016. Since compliance with EU law is not yet in place, the Commission has to refer these matters to the Court of Justice.

### **The Commission takes Hungary to Court regarding its legislation on energy network tariffs**

The European Commission is referring **Hungary** to the Court of Justice of the EU to ensure a correct implementation of the Third Energy Package's requirements on network tariffs. The Third Energy Package requires that tariffs applied by network operators for the use of electricity and gas networks are regulated in order to prevent anti-competitive behaviours, and entrusts national regulatory authorities with the task of setting these tariffs or their methodologies.

After it assessed the legislative measures adopted by Hungary in the energy field, the Commission found that Hungarian law excludes certain types of costs from the calculation of network electricity and gas tariffs, in violation of the principle of cost-recovery of tariffs provided for in the

Electricity and Gas Regulations. In addition, the Commission found that Hungary adopted amendments to its energy legislation which jeopardise the right of market operators to a full judicial review of the national regulator's decisions on network tariffs.

The Commission addressed to Hungary a letter of formal notice on these issues in February 2015, and two reasoned opinions, respectively in December 2016 and April 2017. Since compliance with EU law is not yet in place, the Commission has decided to refer these matters to the Court of Justice.

## **Background**

The [Third Energy Package](#) is composed of two Directives (the Electricity Directive [2009/72/EC](#) and the Gas Directive [2009/73/EC](#)) and three Regulations (the Electricity Regulation [\(EC\) No 714/2009](#), the Gas Regulation [\(EC\) No 715/2009](#) and the ACER Regulation [\(EC\) No 713/2009](#)) and contains key provisions for the proper functioning of energy markets to the benefit of consumers.

These include new rules on the unbundling of transmission system operators from energy suppliers and producers in order to ensure non-discriminatory access of all suppliers and producers to electricity and gas transmission networks. When Member States choose the so-called independent transmission operator (ITO) unbundling model, under which it is permitted that an undertaking active in production or supply of electricity or gas also owns a transmission system (vertically integrated undertaking), they have to make sure that the transmission system is effectively run separately from the other activities of the vertically integrated undertaking.

A core element of the electricity and gas market framework is the stronger independence and the powers of national regulators under the Electricity and Gas Directive. In particular, the directives provide that national regulators should be independent of the government or business interests and should have the power to independently determine tariffs or the methodologies for calculating tariffs for the use of electricity and gas networks and other terms and conditions for access to those networks. The Electricity and Gas Regulations also lay down rules on the calculation of network tariffs, which shall take into account all actual costs incurred to network operators.

At the same time, given the increased independence and competences of national regulators, the Directives establish, as a guarantee for transparency and legality, certain rules on regulators' accountability. The requirement for the Member States to ensure a possibility for appeal (before a court or another independent body) by parties affected by the regulator's decisions is a central aspect of this accountability.

## **For More Information**

- On the key decisions in the July 2018 infringements package, see full [MEMO/18/4486](#).
- On the general infringements procedure, see [MEMO/12/12](#).



– On the [EU infringements procedure](#).

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## [Financial services: Commission refers Spain to Court for not applying EU prudential rules for banks and investment firms](#)

The European Commission has decided to refer **Spain** to the Court of Justice of the EU for failing to fully implement the Capital Requirements Directive ([Directive 2013/36/EU](#)).

To date, Spain has not fully implemented these EU rules and some provisions are still missing from national law. Those refer mostly to the following aspects: certain powers and discretions of national competent authorities in relation to investment firms; and the imposition of administrative penalties or other measures applicable to institutions found liable of a serious breach in anti-money laundering. Missing provisions also include whistle-blowing mechanisms in case of capital requirements' breaches, rules on the integrity and independence of the members of the management body and the obligation by the Spanish competent authorities to contact the consolidated supervisor in order to obtain information, thereby making supervisory cooperation more difficult. Lastly, corporate governance rules are weaker in Spain given that the obligation to have diverse and skilled management bodies of institutions is not transposed.

Together with the Capital Requirements Regulation ([Regulation \(EU\) No 575/2013](#)), the Directive sets out the prudential requirements for credit institutions and investment firms in the EU, laying down rules on the amount of capital that institutions must have in order to cover potential losses of the risks to which they are exposed. The Directive also formulates rules on the authorisation and supervision of institutions, on supervisory cooperation, on risk management, on corporate governance (including remuneration) and on capital buffers.

### **Background**

Member States had to transpose the Directive into national law by 31 December 2013. In January 2015, the European Commission formally requested Spain to transpose the Directive. In January 2018, a reasoned opinion was issued against Spain. Since then, Spain did not notify the missing measures related to the Directive at stake.

**For More Information:**

- On the key decisions in the July 2018 infringements package, see full [MEMO/18/4486](#).
- On the general infringements procedure, see [MEMO/12/12](#).
- On the [EU infringements procedure](#).