

# Daily News 21 / 08 / 2018

## **Statement by President Juncker on the 50<sup>th</sup> anniversary of the end of the Prague Spring**

Today marks fifty years since the end of the Prague Spring, one of the most tragic and bitter episodes in modern Europe's history. Commemorating the occasion, President **Juncker** issued the following statement: "As we mark this anniversary, we remember the tragic loss of lives and we pay tribute to the courage and heroism of those – many of them students – who stood defiant in the face of tanks and weapons. Their legacy is our responsibility – we must never forget their attempt to defend the most basic of human rights and freedoms" President **Juncker** said, adding that today should be used as a "day of solemn commemoration to collectively remember that freedom and the respect for human rights can never be taken for granted and need to be fought for every single day [...] I can think of no better way of honouring the memory of the heroes of the Prague Spring". The full statement is [available online](#). Vice-President Maroš **Šefčovič** and Commissioner **Jourová** also commented on the occasion: "We must remember the lessons of August 1968. Freedom cannot be taken for granted, while there is no prosperity without freedom of expression, religion or association. Therefore, we should never tolerate a breach of international law, crushing people's legitimate yearning for freedom and democracy," Vice-President **Šefčovič** said. "A Soviet tank at my doorstep is one of my earliest memories, it influences you for life. Hence I consider defending our democracy the biggest task of today, for all of us: Czechs, Slovaks, Europeans," Commissioner **Jourová** said. (For more information: Margaritis Schinas – Tel.: +32 229 60524; Alexander Winterstein – Tel.: +32 229 93265)

## **#EUandME: la Commission lance un concours pour les jeunes réalisateurs de films, pour rapprocher les citoyens de l'UE**

La [campagne #EUandME](#) de la Commission européenne lance un concours de courts-métrages pour des jeunes cinéastes, à partir de ce vendredi jusqu'au 31 octobre 2018. Le concours est ouvert aux jeunes cinéastes européens âgés de 18 à 35 ans. Ils pourront participer dans l'une des cinq catégories liées à la campagne: mobilité, durabilité, droits, numérique et compétences et entreprises. Il y aura un gagnant par catégorie, qui recevra une subvention de 7500 euros pour réaliser son film, et qui sera parrainé par l'un des cinq réalisateurs européens renommés impliqués dans la série de courts-métrages #EUandME. Les participants intéressés sont invités à soumettre leur idée pour un court-métrage racontant une histoire liée à l'impact de l'Union européenne sur la vie quotidienne des citoyens : outre un script du film, une courte vidéo où le candidate démontrera sa motivation et expliquera le concept du film prévu sont demandés ainsi qu'un lien vers un court-métrage qu'ils ont réalisé par le passé. Les candidatures doivent être soumises en format électronique via un formulaire de candidature en ligne sur la page web du concours (disponible à partir du 24 août 12:00 [ici](#)). La campagne #EUandME, avec ses [cinq courts-métrages](#) dirigés par des cinéastes européens reconnus, a été lancée dans 28 États membres de l'Union européenne en mai 2018 avec pour

but de lancer une conversation sur l'impact de l'UE sur la vie des jeunes. De plus amples détails sur le concours des jeunes réalisateurs seront disponibles sur [la page web](#) de la campagne. (Pour plus d'informations: Christian Wigand – Tél .: +32 229 62253; Inga Höglund – Tél .: +32 229 50698)

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The European Commission has approved under the EU Merger Regulation the proposed merger between Praxair and Linde, subject to conditions. Following its [in-depth investigation](#), the Commission concluded that the proposed transaction, as originally notified, would have significantly reduced competition in a number of markets in the European Economic Area (EEA), in particular for industrial gases, medical gases and related services, specialty gases and helium. To address the Commission's competition concerns, Praxair and Linde offered: (i) to divest to a suitable Praxair's entire gas business in the EEA; (ii) to transfer Praxair's stake in SIAD, an Italian joint venture active in Central and Eastern Europe and in Italy, to Praxair's current joint venture partner Flow Fin; and (iii) to divest additional helium sourcing contracts, beyond those needed to satisfy demand in the EEA. These commitments fully remove the overlap between Praxair and Linde's activities in the EEA. The Commission considers that the proposed transaction, as modified by the commitments, will no longer raise competition concerns and will ensure that competition is preserved on European gas markets in the interest of European customers. Commissioner Margrethe **Vestager**, in charge of competition policy, said: *"Gases – like oxygen and helium – are crucial inputs for a large variety of products we need and use in our everyday life. For instance, industrial oxygen is used in large quantities in the production of steel. And hospitals need medical oxygen for patients and helium so that magnetic resonance imaging (MRI) scanners can work. There are very few companies in the world capable of supplying all these gases. With this decision, we make sure that the merger of Praxair and Linde will not result in further concentration in Europe and that customers will continue to benefit from competition in these markets."* The full press release is available online in [EN](#), [FR](#), [DE](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100)

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The European Commission has approved under the EU Merger Regulation the acquisition of Saferoad Holding ASA of Norway by FSN Capital GP V Limited, of the UK, which belongs to the FSN Capital group of Norway. Saferoad is the holding company of a group of companies specialised in road safety and road infrastructure solutions in Northern, Central and Eastern Europe. FSN Capital GP V is an investment fund. The Commission concluded that the proposed acquisition would not raise competition concerns, due to the lack of horizontal overlaps or vertical links 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.8969](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100)

#### **Mergers: Commission clears acquisition of Tönsmeier by Schwarz group**

The European Commission has approved under the EU Merger Regulation the acquisition by Schwarz group of all the shares in Karl Tönsmeier Entsorgungswirtschaft GmbH & Co. KG ("KTE") and Tönsmeier Dienstleistung GmbH & Co. KG ("TDL"), all of Germany. Schwarz group is predominantly active in the food retail sector worldwide through its Lidl and Kaufland divisions. KTE is a fully integrated service provider in waste management, including collection, sorting, treatment and recycling of waste. TDL operates a waste-to-energy plant. The Commission concluded that the proposed acquisition would not raise competition concerns given the limited overlaps 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.9047](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100)

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Today marks fifty years since the hopes and aspirations of the Prague Spring were crushed with force in one of the most tragic and bitter episodes in modern Europe's history. The tanks rolling in the streets of Prague on 21 August 1968 abruptly ended an attempt to introduce human rights and freedoms,

cemented a regime that would last for another two decades and confirmed a brutal template for the suppression of dissent within the Warsaw Pact.

As we mark this anniversary, we remember the tragic loss of lives and we pay tribute to the courage and heroism of those – many of them students – who stood defiant in the face of tanks and weapons. Their legacy is our responsibility – we must never forget their attempt to defend the most basic of human rights and freedoms.

Fifty years on, Europe is no longer divided by an Iron Curtain and the people of the Czech Republic, Slovakia and other Europeans live in a Union of peace and solidarity that they can count on to protect them. But let us use this day of solemn commemoration to collectively remember that freedom and the respect for human rights can never be taken for granted and need to be fought for every single day. I can think of no better way of honouring the memory of the heroes of the Prague Spring.

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*products we need and use in our everyday life. For instance, industrial oxygen is used in large quantities in the production of steel. And hospitals need medical oxygen for patients and helium so that magnetic resonance imaging (MRI) scanners can work. There are very few companies in the world capable of supplying all these gases. With this decision, we make sure that the merger of Praxair and Linde will not result in further concentration in Europe and that customers will continue to benefit from competition in these markets."*

Today's decision follows an [in-depth review](#) of the proposed merger between Praxair and Linde, which are two of the four largest companies active worldwide across the whole supply chains of industrial gases, medical gases, specialty gases and helium. Both companies also offer engineering and gas plant construction services.

### **The Commission's investigation**

Following its in-depth investigation, the Commission concluded that the proposed transaction, as originally notified, would have significantly reduced competition in a number of markets in the European Economic Area (EEA). In particular, the Commission identified competition concerns in the markets for the supply of:

- **industrial gases,**
- **medical gases** and related services,
- **specialty gases** and
- **helium,** both in the worldwide market for the sourcing of helium and in the national markets for the retail supply of this gas.

Notably, the proposed combination would have reduced the number of significant gas players in the EEA from four to three, creating a new market leader in the European gas industry. The Commission's investigation confirmed the gap between the four major suppliers (Air Liquide, Linde, Praxair and Air Products) and other competitors in terms of financial and operational capabilities. In this respect, only the four main players have the engineering capabilities necessary to bid for the largest projects (i.e. the construction of complex gas production units on customer manufacturing sites) across the EEA and access to the few sources of helium existing worldwide to be competitive.

Other market players only have a regional, national or local presence and lack the operational, technical and financial capabilities to compete on an equal footing with the four majors. The Commission also found that market entry and expansion in the gas markets is difficult, due to the very high investment necessary to establish a meaningful position in the market.

The Commission concluded that the merger as notified would have led to a significant reduction in the number of suitable alternative suppliers and potentially to price increases.

### **The commitments**



To address the Commission's competition concerns, Praxair and Linde offered the following commitments:

- The **divestment to a suitable purchaser of Praxair's entire gas business in the EEA**, including all relevant legal entities, assets and personnel. This divestment covers industrial, medical, specialty gases and helium. It also includes the helium sourcing contracts required to satisfy demand in the EEA;
- The **transfer of Praxair's stake in SIAD**, an Italian joint venture active in Central and Eastern Europe and in Italy, to Praxair's current joint venture partner Flow Fin, which will become the sole owner of SIAD;
- The **divestment of additional helium sourcing contracts**, beyond those needed to satisfy demand in the EEA, to one or more suitable buyers. This will ensure that the overall helium sourcing volume divested will address competitive concerns at the worldwide level.

The commitments fully remove the overlap between Praxair and Linde's activities in the EEA, including in all the markets in which the transaction would have otherwise led to a significant impediment of effective competition. With respect to the market for the sourcing of helium, which is global, the commitments ensure that competition is maintained through the divestment of further sourcing contracts.

Based on the parties' proposals, the Commission will assess the suitability of potential buyers for Praxair's gas business in the EEA and for the additional helium sourcing contracts.

On this basis, the Commission considers that the proposed transaction, as modified by the commitments, will no longer raise competition concerns and will ensure that competition is preserved on European gas markets in the interest of European customers.

### **International cooperation**

The Commission has cooperated closely with a number of competition authorities, in particular with the US Federal Trade Commission and the Canadian competition authority.

### **Companies and products**

**Linde** is headquartered in Germany. It is active worldwide in the supply of industrial gases, medical gases, speciality gases and related services, including engineering and helium.

**Praxair** is headquartered in the United States. It is active in the supply of industrial gases, medical gases, speciality gases and related services, as well as helium and surface-coating technologies, and operates in North and South America, Asia and Europe.

### **Merger control rules and procedures**

The Commission has the duty to assess mergers and acquisitions involving companies with a turnover above certain thresholds (see Article 1 of the

Merger Regulation) or that have been referred to it (see Article 4(5) of the Merger Regulation) and to prevent concentrations that would significantly impede effective competition in the EEA or any substantial part of it.

The vast majority of notified mergers do not pose competition problems and are cleared after a routine review. From the moment a transaction is notified, the Commission generally has a total of 25 working days to decide whether to grant approval (Phase I) or to start an in-depth investigation (Phase II).

There are seven on-going phase II merger investigations: the proposed acquisition of [Gemalto by Thales](#), Siemens' proposed [acquisition of Alstom](#), Wieland's proposed acquisition of [Aurubis Rolled Products and Schwermetall](#), the proposed [acquisition of MKM](#) by KME, Apple's proposed [acquisition of Shazam](#), the proposed acquisition of [Solvay's nylon business](#) by BASF and the proposed [acquisition of Tele2 NL](#) by T-Mobile NL in the Netherlands.

More information will be available on the Commission's [competition website](#), in the [public case register](#) under the case number [M.8480](#).