

Joint letter of President Tusk and President Juncker to Recep Tayyip Erdoğan, President of Turkey

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Council conclusions on enlargement and stabilisation and association process

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Mergers: Commission opens in-depth investigation into proposed acquisition of Solvay's nylon business by BASF

Commissioner Margrethe **Vestager**, in charge of competition policy, said: *"Nylon is used in everyday products like clothes, sports shoes and carpets. But it's also an important industrial input, for example contributing to make lighter engines and cars. However, only a few manufacturers provide essential inputs to produce different nylon products, so we need to carefully assess whether the proposed acquisition would lead to higher prices or less choice for European businesses and, ultimately, consumers."*

The proposed transaction involves Solvay and BASF, two companies active in the nylon industry, where both manufacture nylon compounds and nylon fibres.

Nylon compounds are used in a wide range of applications, particularly in the automotive and electronics industries, due to their light weight and good thermal resistance. As such, they are among the advanced materials used to develop lighter cars which produce less noxious emissions. **Nylon fibres** are used in particular for clothing and sportswear. The manufacture of nylon compounds and nylon fibres requires as a key input Adiponitrile ("ADN"), an oil derivative.

Solvay is currently the only manufacturer in the European Economic Area with production assets at all levels of the nylon production chain, from ADN to nylon compounds and nylon fibres. Currently, Solvay sells an important part of its production of intermediates at various levels of the value chain to other companies active in making nylon compounds and fibres. **BASF** is also vertically integrated, but does not produce ADN. It currently only sells a small part of its production of intermediates because it uses almost all of its production internally, for the production of nylon compounds and fibers.

The proposed transaction would create an important player in the nylon compounds market with a market size almost double that of the closest competitor. The merged entity would also control substantial parts of the merchant markets and of the production capacities at all levels of the nylon production chain. Moreover, no other player would be similarly fully integrated in the production chain. Competitors will thus depend on the merged entity to continue to supply them with one or more essential inputs.

In addition, there is no indication that competition could be preserved by new entrants, since access to essential inputs (such as ADN) is limited and critical to be able to compete effectively.

The Commission's preliminary competition concerns

At this stage, the Commission is concerned that the proposed transaction would reduce competition in the markets where the merged entity would be active. In particular, the Commission is concerned that this transaction could lead to higher prices due to the increased market power of the merged entity in the nylon compounds market, as well as due to its enhanced position in the nylon production chain.

In particular, the Commission's initial market investigation raised competition concerns for the supply of the following essential inputs for the nylon production chain: ADN, Hexamethylene Diamine, Adipic Acid, Hexamethylenediamine adipate Salt, Polyamide 6.6 Base Polymer and Polyamide 6.6 Engineering Plastics.

The initial market investigation also showed that competitors of the merged entity fear that it would stop supplying them with these essential inputs because of its own increased needs downstream.

The Commission will now carry out an in-depth investigation into the effects of this transaction to determine whether its initial competition concerns are confirmed.

The transaction was notified to the Commission on 22 May 2018. The Commission now has 90 working days, until 31 October 2018, to take a decision. The opening of an in-depth investigation does not prejudice the outcome of the investigation.

Companies and products

BASF, headquartered in Germany, is a large diversified chemical company active in a range of sectors including chemicals, performance products, functional materials and solutions, agricultural solutions and oil & gas. It is active in the polyamide value chain, in particular in the production of Hexamethylene Diamine, Adipic Acid, adipate Salt, Base Polymers and Engineering Plastics.

Solvay, headquartered in Belgium, is active in the polyamide value chain, in particular in the production of ADN, Hexamethylene Diamine, Adipic Acid, adipate Salt, Base Polymers and Engineering Plastics.

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) and to prevent concentrations that would significantly impede effective competition in the European Economic Area or any substantial part of it.

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

In addition to the current transaction, there are four ongoing Phase II merger investigations: the [proposed acquisition of Tele2 NL by T-Mobile NL](#), the [proposed acquisition of Cristal by Tronox](#), the [proposed acquisition of Shazam by Apple](#) and [the proposed merger of Praxair and Linde](#).

More information will be available on the [competition](#) website, in the Commission's [public case register](#) under the case number [M.8674](#).

[France, Germany, Belgium and Spain call for the creation of a European Judicial Counter-Terrorism Register](#)


The Hague, 21 June 2018

On 20 and 21 June, the annual seminar on counter-terrorism, organised by Eurojust, took place. This year, Mr François Molins, District Chief Prosecutor of the Court of Paris, Mr Frédéric Van Leeuw, Federal Prosecutor of Belgium, and Ms Joëlle Milquet, Special Advisor to the President of the European Commission on the support to victims of terrorist attacks, participated in the discussions.

The conference focussed on two themes: the judicial response to persons returning to Europe from the combat zones in Iraq and Syria, and the support to victims of terrorist attacks.

A [joint declaration by the Ministers of Justice of France, Germany, Belgium and Spain](#) ([FR](#) | [DE](#) | [ES](#)) was distributed in the margins of the conference. It called for the reinforcement of the sharing of information with Eurojust on current investigations and convictions for terrorist offences.

Given the persistent terrorist threat that concerns the whole of the European territory, strong cooperation between judicial authorities within the European Union is actually indispensable. The Ministers call for the creation of a European Judicial Counter-Terrorism Register, that will make it possible to proactively establish possible links between cases and to identify coordination needs for the investigations. The legal basis for working together is already in place (Council Decision 2005/671/JHA), which should be systematically applied in all Member States.

 Mr François Molins said: *The quality of judicial cooperation in criminal matters is a big challenge. We cannot work in silos in our countries anymore. We need an overall approach. To strengthen and bolster judicial cooperation, we need to go through Eurojust, the only European agency able to do that. [...] Sharing information is also a major challenge in cooperation. Centralisation of information allows us to double-check it proactively and coordinate*

actions upstream. The more we share, the better we are able to intervene and distribute the workload between Member States in a smarter way.

Intensive coordination of the investigations after the Paris terrorist attacks

✘ Between 2014 and 2017, there was a sixfold increase (from 14 to 87) in terrorist cases registered at Eurojust, including following the terrorist attacks on the Thalys train, Brussels, Nice, Berlin, Stockholm and Barcelona. Those cases are not only larger in number but also growingly complex and, in contrast to terrorism investigations before 2014, involve many different States. For example, in the aftermath of the terrorist attacks in Paris and Saint-Denis on 13 November 2015, Eurojust opened a case that, in addition to France, involved another 14 Member States and the USA. Numerous coordination meetings have since been held in Austria, Paris and The Hague. The collaboration uncovered possible links between the investigations into the attacks in Paris and other terrorism cases. As a result, two suspects arrested in Austria and one detained in Germany were successfully surrendered to the French authorities (click on image to enlarge).

A solid response to returning foreign terrorist fighters

Since 2013, Eurojust supports prosecutors to build solid cases against foreign terrorist fighters (FTFs). During the two-day meeting, the discussions centred on the various challenges that prosecutors face in this regard, such as digital evidence, the use of the specific crime of participation in the activities of a terrorist group, the prosecution of non-combatant women, the judicial response to returning minors, and obtaining battlefield information in a way that makes it admissible as evidence in court. In most Member States, returning FTFs who are found guilty face imprisonment. ✘

Mr Frédéric Van Leeuw, Federal Prosecutor, Belgium, said: *The majority of the 2013 and 2014 returnees are young people. What position should we adopt, after they have gone a path not compatible with the values of our society, as they have collaborated actively with terrorist groups? [...] We have to respect the 1989 Children's Convention, and not separate children from their mothers. Eurojust can unite different authorities and find common procedures in accordance with the fundamental values of our societies.*

Giving priority to the rights of victims of terrorist attacks

Assistance and support to victims of terrorism are key elements of the European Union's counter-terrorism efforts. Eurojust has been assisting in a number of investigations into recent terrorist attacks in which support to victims was a major aspect of the international judicial cooperation efforts.

✘ Ms Joëlle Milquet, Special Advisor to the President of the European Commission on the support to victims of terrorist attacks, said: *We need an integrated approach at EU level and we have to set minimum standards, promote best practice, take pragmatic measures and adapt the existing directives. A common, precise definition of victims or of compensation to victims is*

required and one single focal point at national level. We can have a more structured coordination by involving other stakeholders, such as Eurojust and Europol.

Background

Eurojust's mission is to unite the community of thousands of practitioners who, every day, everywhere in Europe, work hard to fight all forms of criminality, and combine their efforts to make Europe a more secure and just place. Just in the past year, 4 400 national prosecutors and senior law enforcement officials came from all Member States, from 30 different legal systems, seeking solutions to very concrete problems, such as how to coordinate different prosecutions against the same terrorist suspects, to avoid gaps, overlapping or conflict of jurisdictions, or to create a joint investigation team.

Eurojust's meetings on counter-terrorism were launched in June 2001. Unlike coordination meetings organised in the framework of ongoing investigations supported by Eurojust, Eurojust's meetings on counter-terrorism bring together judicial and law enforcement authorities dealing with terrorism matters and concentrate on a particular terrorist phenomenon or a specific aspect of the criminal justice response to terrorism.

More information

Infographics on the coordination through Eurojust of counter terrorism cases:

Photos © Eurojust

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