

ESMA publishes supervisory briefing on the supervision of non-EU branches of EU firms

This supervisory briefing covers the following topics:

- Supervisory expectations in relation to the authorisation of investment firms;
- Ongoing activities of non-EU branches including reporting and collection of information; and
- Supervisory activity and cooperation with non-EU Competent Authorities.

Establishment of non-EU branches

In order to allow EU NCAs to appropriately monitor firms providing investment services or activities on an ongoing basis, firms should provide the NCA of their home Member State with relevant information on any new non-EU branch that they plan to establish.

EU NCAs should be satisfied that the applicant's programme of operations and the objective reasons on which the establishment of non-EU branches is based and to ensure that the applicant is able to comply with all the legal requirements stemming from the relevant EU legislation.

Additionally, the applicant's programme of operations should explain how the EU head office will be able to monitor and manage any non-EU branches arrangements, and ensure that competent authorities have full access to all information they need to fulfil their supervisory function.

The supervisory briefing also provides market participants with indications on the implementation of the MiFID II provisions and of the recommendations expressed in the [ESMA Opinion on investment firms](#).

Joint statement by President Jean-Claude Juncker and Taoiseach Leo Varadkar

The Withdrawal Agreement and the Political Declaration have been negotiated in good faith and have been agreed by all 27 Leaders of the European Union Member States as well as by the United Kingdom Government.

As we have said on many occasions, the Withdrawal Agreement is the best and only deal possible. It is not open for renegotiation.

The backstop is an integral part of the Withdrawal Agreement. While we hope the backstop will not need to be used, it is a necessary legal guarantee to protect peace and to ensure there will be no return to a hard border on the island of Ireland, while protecting the integrity of our Single Market and the Customs Union.

The Withdrawal Agreement, including the backstop, is a balanced compromise, representing a good outcome for citizens and businesses on all sides, including in Northern Ireland.

The backstop is not a bilateral issue, but a European one. Ireland's border is also the border of the European Union and its market is part of the Single Market. We will stay united on this matter.

We will continue to seek agreement on the orderly withdrawal of the United Kingdom but we will also step up our preparation for a no-deal scenario. In this context, programmes that provide support for cross-border peace and reconciliation in the border counties of Ireland and Northern Ireland will be continued and strengthened. The Commission stands ready to support Ireland in finding solutions answering the specific challenges that Ireland and Irish citizens, farmers and businesses will face. We will work closely together to this end over the coming weeks.

We will continue to remind the Government of the United Kingdom of its responsibilities under the Good Friday Agreement, with or without a deal.

Statement by Commissioner Vestager on the proposed acquisition of Alstom by Siemens and the proposed acquisition of Aurubis Rolled Products and Schwermetall by Wieland

* Check against delivery *

Prohibition decisions are rare, and it's the first time we announce two prohibition decisions on the same day. The large majority of mergers we review are cleared, either because they don't pose a problem to competition or because the companies are willing to offer sufficient remedies.

In fact, over the past ten years, the Commission has approved over 3,000

mergers and blocked only seven. Today, we are increasing this number to nine.

The mergers we are prohibiting are Wieland's takeover of Aurubis' rolled copper products business and Siemens' takeover of Alstom's rail transport business.

These cases concern two different sectors, but our investigations identified serious competition problems in both. We found that the mergers would have led to higher prices, less choice and less innovation. And neither of the companies offered appropriate solutions to resolve the competition problems.

Our goal with EU merger control is to prevent the creation of monopolies or dominant players harming competition and business customers or consumers. This assessment includes balancing the positive and negative effects of a possible deal. Our decisions are based on the rule of law and in-depth economic assessment. They serve the interests of all Member States and their citizens.

Wieland/Aurubis Rolled Products/Schwermetall

The first case is Wieland's takeover of Aurubis' rolled copper products business.

Rolled copper is used as an input for the manufacture of automotive, electrical or electronics products. For example, it's used in the production of electrical connectors used in cars, trains and aircraft.

The demand for this type of high quality rolled copper product will increase significantly in the coming years due to the growth of hybrid and electric cars. Electric vehicles require 40 to 80 kilos of copper, while cars powered by a combustion engine require only around 20 kilo of copper. And copper products are also needed for charging stations. You can easily see that this is a market that is growing.

Wieland and Aurubis are two of the three biggest producers of rolled copper products in Europe. The merger also concerned pre-rolled copper strip, which makes rolled copper products. The two companies own a joint venture, called Schwermetall, which makes this very important input.

Wieland was already the clear market leader, in particular in high end products for the automotive sector. With the merger, Wieland would have become the dominant player in the market for rolled copper products. It would have had a market share in Europe of over 50%, with only one other competitor with a market share above 10% remaining.

In the beginning of August we opened an in depth investigation to fully assess the effects of the transaction. Our investigation concluded that the merger would have harmed competition and choice in this market and raised rolled copper prices for industrial customers.

Wieland could also have restricted its far smaller competitors in Europe from accessing pre-rolled copper strip. With the merger Wieland would have gained full control over Schwermetall, which is the largest supplier of pre-rolled

strip in Europe, with a market share of more than 60%. So Wieland would have been able to raise the costs of these smaller competitors, gain access to confidential information about their inputs and damage their overall competitiveness in European and global markets.

Both the customers in the car and electronics sectors and the smaller competitors, expressed strong concerns to the Commission about the effects of the transaction on their input prices.

The remedies offered by Wieland were not enough to address our competition concerns. In particular, Wieland was not willing to divest Aurubis' stake in Schwermetall. And our concerns with the remedies were shared by market participants.

That is why we have decided to block the deal: Our decision protects customers by preventing the creation of a dominant player in the market, which would have resulted in higher input prices for European industrial customers.

Siemens/Alstom

Moving on to Siemens' proposed takeover of Alstom's rail transport business, the Commission opened an in-depth investigation last July to assess this merger.

In some sectors, such as metros and many types of trains, there are strong competitors besides Siemens and Alstom. That is why we did not have competition concerns in these sectors.

However, our investigation showed that the proposed transaction raised serious concerns in two main areas: **signalling systems** and **very high-speed trains**.

When we sit in a train reading the paper or a book or playing with our phone, **rail signalling systems** are far from our mind, but they are crucial for our safety. Signalling equipment is installed both on-board each train and along the rails to keep the train on the right track. And all these components work together to ensure that trains don't collide.

In Europe we have developed a common standard for signalling systems called ECTS that allows trains to operate safely across borders. The upgrading of signalling systems across Europe is underway. This is quite an expensive long-term investment for Member States and it requires that equipment is available at competitive prices.

As for very high-speed trains, they are trains that travel at 300 kilometres per hour or more. These types of trains are important for the transition to climate friendly and environmentally sustainable means of transport. Rail companies that need very high-speed trains organise tenders to compare offers from different suppliers. These tenders are relatively rare. Currently in Europe there is one big ongoing tender, HS2 in the UK.

Our investigation showed that the merger would significantly reduce

competition in several signalling markets and for very high-speed trains. The merged company would have become, by far, the largest player in Europe and in some signalling markets there would be no competition left. To be clear: it's fine to be big. But that's not the issue here. We found that competition from other suppliers would have been insufficient to replace the considerable loss of competition due to the merger. Customers, including train operators and rail infrastructure managers, would have been deprived of a choice of suppliers and products.

The transaction would also have harmed European taxpayers, since national and local governments often finance railway infrastructure. And we want to ensure that the merger would not lead to higher prices for the signalling equipment that keeps the millions of European travellers and commuters who take the train every day safe.

Today, Europe's railway industry is thriving. It has several champions, chief among them Siemens and Alstom, which are already global companies. In fact, they are the two largest players globally outside China for very high-speed trains. And they are two of the three largest players in signalling – the third being another European company.

But our assessment also covers the future, and we looked in particular at the competition coming from China. We assessed the likelihood of Chinese rail equipment suppliers entering the market. Not in the abstract, but concretely.

The state controlled supplier of trains in China, CRRC, has more than 90% of its activities inside China. It has had less success outside its home market, but has sold some metro systems for example in the US. However, no Chinese supplier has ever participated in a signalling tender in Europe or delivered a single very high-speed train outside China. And there is no prospect of Chinese entry in the European market in the foreseeable future.

Remedies

Siemens and Alstom could have obtained our approval for the merger if they had proposed appropriate remedies to address our competition concerns.

However, the companies were not willing to propose a clear-cut remedy for either mainline signalling systems or very high-speed trains. We found that the proposed remedies were simply not enough to address our competition concerns.

And we were not the only ones reaching this conclusion. Our findings are shared by market participants, such as customers, competitors, trade unions and industry associations. The feedback we received from them was negative for both signalling systems and very high-speed trains.

As regards signalling equipment, the key concern was the complexity and viability of the remedy package: the companies offered to divest an assorted mix of assets, transferring some, keeping others, and offering licensing arrangements rather than clear-cut asset transfers.

As for very high-speed trains, the divestment package was insufficient

because it did not allow for a competitor to develop a competing very high-speed train.

Less than two weeks ago, Siemens and Alstom made changes to their remedy package. This last proposal did not change the fundamental characteristics of the remedies, neither for signalling systems nor for very high-speed trains. It was only a limited improvement, which did not fully address the competition concerns.

Of course, it is up to companies to decide whether to propose the necessary remedies for the deal to be cleared.

Considering the evidence we gathered, more than eight hundred thousand documents, including internal Siemens and Alstom documents, the negative impact of the merger for competition was clear. In the absence of an appropriate remedy package, the Commission today has blocked the merger.

Competition policy and industrial policy

These two prohibition cases tell their own story. As always, we have assessed each of them on their own merits, looking at the facts in the affected markets. The cases have also triggered a discussion on the role of competition rules in creating and supporting "European Champions".

Competition policy ensures that we have open and fair competition in the European Single Market. It keeps our companies on their toes. A company is not going to be competitive abroad if it does not have any competition at home. Unchallenged companies are not likely to be innovative, flexible or efficient also in the global market place.

EU merger control allows companies to grow by acquiring other businesses while at the same time preserving choice, quality, innovation and competitive prices for European customers at all levels of the value chain, be that business customers or final consumers. One of the benefits of the European Single Market is that we have room for companies to grow very large without having to sacrifice competition.

We keep looking at the precise ways we use our competition rules to achieve these goals. We assess and re-examine our competition rules and processes and we adapt them where needed. For instance, I have launched a reflection on future challenges of digitisation and the way we enforce competition rules with the help of independent experts and public input. The challenges of digitisation concern all sectors of our economy, also manufacturing, trade and transport.

So, competition rules are one of the keys to keep Europe competitive in global markets. We need to combine several tools not only to get the full picture but also the full effect: an effective industrial policy and competition enforcement, together with our international policy instruments. And we must engage in a strategic reflection about how to maintain and advance European competitiveness and autonomy.

At a conference I hosted a few weeks ago here in Brussels on how to shape

competition policy in the era of digitisation, Nobel laureate Professor Jean Tirole made several recommendations for a rational, facts-based industrial policy. One of the suggestions was to focus on market failures.

We do that, for example, through our framework for Important Projects of Common European Interest. In December, we approved such a project on microelectronics. This is a key enabling technology for European industry, which will be funded by France, Germany, Italy and the UK. The public funding will unlock additional private investments. Now we know a lot from this practice and hopefully more projects will follow, like the one that is currently being discussed focusing on batteries.

We also need to support research and development, nurturing talent and supporting universities – as in our proposal for the Multiannual Financial Framework. Horizon Europe, under the leadership of my colleague Carlos Moedas, is the most ambitious research and innovation funding programme ever, with a budget of 100 billion euros.

And we need to complete our Single Market, including the Digital Single Market, and invest in infrastructure. We have simplified EU State aid rules exactly to make it easier to invest in these areas.

My colleague, Elżbieta Bieńkowska is working to make sure that Europe's industries stay global leaders in innovation, digitisation and decarbonisation.

Ensuring a level playing field and conclusion

That being said, we must also ensure a global level playing field for European companies.

Control of subsidies is weaker outside the EU and market access does not necessarily go both ways. That is why we work, under the leadership of my colleague Cecilia Malmström, to strengthen the rules of World Trade Organisation on subsidies, and why we have started a dialogue with China exactly on subsidies.

But changes to the global trade rules are not going to happen overnight. In the meantime we need to use the tools that we have to be able to protect ourselves from unfair competition.

This means taking seriously security implications, for example from foreign State interference as regards information, data and strategic infrastructure. We have a new framework for screening of Foreign Direct Investment that should be in place soon. It is first and foremost up to Member States to use this framework.

We must also make use of the possibility under government procurement rules to look at all relevant criteria and not just the lowest possible price. And to give ourselves the means to ensure equal access and reciprocity in public procurement by adopting the Commission's proposal on this.

So, there's a lot to do. Our work will continue to develop our rules and our

policies to maintain the competitiveness of the Single Market. Companies must compete on their merits to succeed both at home and abroad.

If companies want to merge and become stronger they can do so, to the extent they are willing to offer remedies that address any potential competition concerns. Just like Siemens and Alstom could have. In their case, our decision today means that Europe still has two rather than one global champions in rail infrastructure.

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Mergers: Commission prohibits Siemens' proposed acquisition of Alstom

The European Commission has prohibited Siemens' proposed acquisition of Alstom under the EU Merger Regulation. The merger would have harmed competition in markets for railway signalling systems and very high-speed trains. Today's decision follows [an in-depth investigation](#) by the Commission. The takeover would have combined Siemens' and Alstom's transport equipment and service activities in a new company fully controlled by Siemens. It would have brought together the two largest suppliers of various types of railway and metro signalling systems, as well as of rolling stock in Europe, both also with leading positions globally. The merger would have created the undisputed market leader in some signalling markets and a dominant player in very high-speed trains. It would have significantly reduced competition in both these areas, depriving customers, including train operators and rail infrastructure managers of a choice of suppliers and products. The Commission received several complaints during its in-depth investigation, from customers, competitors, industry associations and trade unions. It also received negative comments from several National Competition Authorities in the European Economic Area. Stakeholders were worried that the proposed transaction would significantly harm competition and reduce innovation in signalling systems and very high-speed rolling stock, lead to the foreclosure of smaller competitors and to higher prices and less choice for customers. Since the parties were not willing to offer adequate remedies to address these concerns, the Commission blocked the merger to protect competition in the European railway industry. Commissioner Margrethe **Vestager**, in charge of competition policy, said: *"Millions of passengers across Europe rely every day on modern and safe trains. Siemens and Alstom are both champions in the rail industry. Without sufficient remedies, this merger would have resulted in higher prices for the signalling systems that keep passengers safe and for the next generations of very high-speed trains. The Commission prohibited the merger because the companies were not willing to address our serious competition concerns."* The full press release is available online in [EN](#), [FR](#), [DE](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Giulia Astuti – Tel.: +32 229 55344; Maria Tsoni – Tel.: +32 229 90526)

Mergers: Commission prohibits Wieland's proposed acquisition of Aurubis Rolled Products and Schwermetall

The European Commission has prohibited, under the EU Merger Regulation, Wieland's proposed acquisition of Aurubis Rolled Products and Aurubis' stake in Schwermetall. It had serious concerns the merger would reduce competition and increase prices for rolled copper products used by European manufacturers. Today's decision follows an [in-depth investigation](#) by the Commission. The proposed merger would have combined Wieland and Aurubis Rolled Products, both producers of rolled copper products. Through the merger, Wieland would also have taken full control over Schwermetall, which manufactures and sells pre-rolled strip to both Wieland and Aurubis Rolled Products, as well as to other copper manufacturers and is responsible for over 60% of European pre-rolled strip sales. Rolled copper products are used as an input for the manufacturing of many products, including in electrical engineering or electronics industries. Pre-rolled strip is used as an input in the manufacturing of rolled copper products. During the investigation, a large number of European industrial customers expressed strong and substantiated concerns about the significant negative impact of the transaction— both upstream regarding access to pre-rolled strip from Schwermetall, and downstream regarding price increases for rolled products. The Commission's analysis of internal documents of the parties confirmed that these concerns were justified. Wieland was not willing to address comprehensively the concerns. Therefore, the Commission has prohibited the proposed transaction. Commissioner Margrethe **Vestager**, in charge of competition policy, said: *"Rolled copper products are a key input for many industries in Europe, including for producing parts used in cutting edge sectors such as electric cars, trains and electronic devices. The proposed merger would have created a new dominant player, significantly reducing competition for rolled copper products and increasing prices for European manufacturers. The remedies offered by Wieland were not sufficient to prevent this. Therefore, the Commission had to prohibit the merger, to protect industrial customers and final consumers."* The full press release is available online in [EN](#), [FR](#), [DE](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Giulia Astuti – Tel.: +32 229 55344; Maria Tsoni – Tel.: +32 229 90526)

COLLEGE MEETING: Commission makes it easier for citizens to access health data securely across borders

Today the Commission presents a [Recommendation](#) for the creation of a secure system that will enable citizens to access their electronic health files across Member States. Member States have already started to make some parts of electronic health records accessible and exchangeable across borders. Since 21 January 2019, Finnish citizens can buy medicines using their [ePrescriptions](#) in Estonia and Luxembourgish doctors will be soon able to access the patient summaries of Czech patients. Today's recommendations propose that Member States extend this work to three new areas of the health record, namely to laboratory tests, medical discharge reports and images and imaging reports. In parallel, the initiative paves the way for development of the technical specifications to be used to exchange health records in each case. For more information see this [press release](#) and [Questions and Answers](#).

(For more information: Nathalie Vandystadt – Tel.: +32 229 67083 – Marietta Grammenou – Tel.: +32 229 83583)

COLLEGE MEETING: European Commission publishes practical arrangements for Commissioners participating in European Parliament elections

The European Commission has today issued detailed and practical guidance on ethical standards for Members of the Commission who campaign for the European Parliament elections in May. The Guidelines will ensure the coherent application of the revised [Code of Conduct](#) for Members of the European Commission. President Juncker [proposed](#) in November 2016 a new Code of Conduct in order to explicitly allow Commissioners – all of them experienced and high-calibre politicians – to actively participate in the campaign for the European Parliament elections, including as lead candidates for the position of President of the Commission, without having to temporarily withdraw from their duties in the Commission. The amended Code of Conduct [entered into force](#) in January 2018. Commenting on today's Guidelines, President Juncker said: *"From the very beginning, I wanted this Commission to be a political one. Commissioners take full political ownership and responsibility for all decisions of this Commission. At the same time, I expect them to engage fully and personally with citizens. Actively participating in the upcoming European Parliament elections is part and parcel of this engagement. Therefore, I have changed the Code of Conduct to allow Commissioners to campaign without having to leave the Commission – provided that they keep their campaigning activities clearly separate from their institutional ones."* More information is available in the press release [here](#). The Guidelines have been published [here](#). (For more information: Alexander Winterstein – Tel.: +32 229-93265; Andreana Stankova – Tel.: +32 229 57857)

European Commission appoints new Directors-General for Communication and for Internal Market, Industry, Entrepreneurship and SMEs

Today, and with effect of 16 March 2019, the European Commission appointed current Deputy Secretary-General Pia **Ahrenkilde Hansen** as Director-General of its Communication department (DG Communication) – the first woman to hold this post. Timo **Pesonen**, the current Director-General of DG Communication, will be heading the Internal Market, Industry, Entrepreneurship and SMEs department (DG GROW) as of 1 March 2019. He will succeed Lowri **Evans** in that position, who will retire as of 1 March 2019, after more than three decades of distinguished and dedicated service in many positions of great responsibility. Ms **Ahrenkilde Hansen** is a Danish national who, as one of three Deputy Secretaries-General, is currently the Commission's Chief Operating Officer. She joined the Commission in 1995 and spent almost her entire career working on communication about the European Union and its policies, including as the Chief Spokeswoman of the Commission from 2009 to 2014. Her extensive experience, coupled with her current corporate and high-level managerial responsibilities make her ideally suited for her new assignment. Mr **Pesonen**, a Finnish national, is the current Director-General

of DG Communication with a distinguished career both outside and within the Commission. Before leading DG Communication from 2015 onwards, he headed the private office of Mr Olli Rehn when the latter was Vice-President for Economic and Monetary Affairs and the Euro between 2010 and 2014 and Commissioner for Enlargement from 2004 to 2009, respectively. He will bring ample experience in policy-making, management and communication to his new job. More information is available in the press release [here](#). (For more information: Alexander Winterstein – Tel.: +32 229-93265)

COLLEGE MEETING: Commission on track to reach its target of at least 40% female managers within the Commission

The European Commission is closer than ever to reaching the target set by President Jean-Claude **Juncker** at the start of his mandate to have at least 40% of middle and senior management positions occupied by women in the European Commission by the end of the current mandate. As of 1 February, the figure stands at 39.6%, up from 30% in November 2014. The most significant progress has been achieved at the level of Deputy Directors-General, where the figure is even higher than the 40% target: women currently make up for 43% of all Deputy Directors-General, up from 8% in November 2014. The 40% target has also been reached where the Commission has the highest number of managers – Heads of Units: women currently make up for 40.6% of all positions, compared to 31% when the Juncker Commission took office. Commissioner Günther H. **Oettinger**, in charge of human resources and budget, said: *“Not only is it the mark of a fair and just system, gender-diverse management is a common feature of all successful organisations across the world. The Commission’s progress towards at least 40% of women in management is proof that we are leading by example. In many management posts we have already gone above and beyond the target we set, and we will soon achieve this across the board.”* More information about the measures to improve gender balance which the Commission has put in place since the beginning of its mandate is available [here](#). (For more information: Alexander Winterstein – Tel.: +32 229-93265; Andreana Stankova – Tel.: +32 229 57857)

Simpler EU rules for derivatives will reduce costs and regulatory burdens for market participants

The Commission has welcomed yesterday’s agreement between the European Parliament and EU Member States on the targeted reform of the European Market Infrastructure Regulation (EMIR), the rules first adopted in 2012 following the financial crisis to better manage and monitor the risks arising from derivatives markets for financial stability. The agreed reform will provide simpler and more proportionate rules for over-the-counter derivatives, helping to reduce costs and regulatory burdens for market participants without compromising financial stability. First [presented by the Commission in 2017](#), this initiative builds on the results of the Commission’s Call for Evidence, a public consultation looking at the cumulative effect of the new financial sector rules put in place since the crisis, and is a prime example

of better regulation in practice. Valdis **Dombrovskis**, Vice-President responsible for Financial Stability, Financial Services and Capital Markets Union said: *“This political agreement is a tangible deliverable of the Commission’s Call for Evidence – we will reduce the regulatory burden for the real economy to a minimum, while ensuring that EMIR keeps achieving its objective of reducing systemic risk in the derivatives market.”* The reform exempts the smallest financial counterparties from the clearing obligation, while ensuring that the overwhelming majority of trades in the relevant classes of derivatives continues to be cleared in central counterparties. This political agreement will be followed by further technical work before the European Parliament and the Council can formally adopt the final texts. A press release is [online](#). (For more information: Johannes Bahrke – Tel.: +32 229 58615; Patrick McCullough – Tel.: +32 229 87183)

Mergers: Commission clears acquisition of joint control over Fleet Complete by OTPP and MDP

The European Commission has approved, under the EU Merger Regulation, the acquisition of joint control over Complete Innovations Holdings Inc (“Fleet Complete”) by the Ontario Teachers’ Pension Plan Board (“OTPP”), both of Canada, and Madison Dearborn Partners, LLC (“MDP”) of the US. Fleet Complete provides mobile-tracking technologies, which are focused on connecting fleet vehicles, mobile assets and mobile workforce-based businesses. OTPP is a pension fund and institutional investor. MDP is a private equity investment firm. The Commission concluded that the proposed acquisition would raise no competition concerns given the limited activities of Fleet Complete 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.9235](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Maria Tsoni – Tel.: +32 229 90526)

Mergers: Commission clears acquisition of joint control over Xingfu assets by Pierburg and Xingfu

The European Commission has approved, under the EU Merger Regulation, the acquisition of joint control over the automotive pumps business of Xingfu by Pierburg Pump Technology GmbH (“Pierburg”) of Germany and Shanghai Xingfu Motorcycle Co., Ltd (“Xingfu”) of China, through their joint venture company Pierburg Huayu. Xingfu, which belongs to the group of Shanghai Automotive Industry Corporation (Group), manufactures automotive pumps. Pierburg, which is controlled by Rheinmetall Automotive AG, manufactures pumps especially for the automotive industry. Pierburg Huayu is active in the production of automotive pumps in China. The Commission concluded that the proposed acquisition would raise no competition concerns, since Pierburg Huayu has no activity within 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.9203](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Maria Tsoni – Tel.: +32 229 90526)

Concentrations: la Commission autorise l'acquisition du contrôle en commun du Groupe IMA Italia par Cattolica et IMA France

La Commission Européenne a approuvé, en vertu du règlement européen sur les concentrations, l'acquisition du contrôle en commun des entreprises IMA Italia Assistance Spa et IMA Servizi Scarl (ensemble, "Groupe IMA Italia"), par Società Cattolica di Assicurazione – Società cooperativa ("Cattolica"), toutes basées en Italie, et Inter Mutuelles Assistance SA ("IMA France"), basée en France. Le Groupe IMA Italia est actif dans l'assurance non-vie, la réassurance non-vie et la prestation de services d'assistance en Italie. Cattolica est une société active dans l'assurance vie et non-vie en Italie. IMA France est une société active dans l'assurance non-vie, la réassurance non-vie et la prestation de services d'assistance, principalement en France. La Commission a conclu que la concentration envisagée ne soulèverait pas de problème de concurrence, compte tenu des chevauchements limités entre les activités des entreprises et de son impact limité sur la structure du marché. L'opération 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.9241](#). (Pour plus d'informations: Ricardo Cardoso – Tel.: +32 229 80100; Maria Tsoni – Tel.: +32 229 90526)

Mergers: Commission clears acquisition of control over the fluid pressure and controls business of Magna by Hanon

The European Commission has approved, under the EU Merger Regulation, the proposed acquisition of control over the fluid pressure and controls business ("Rotor") of Magna International Inc. ("Magna") of Canada by Hanon Systems ("Hanon") of South Korea. Rotor provides car manufacturers with cooling and pump technology to support their emission reduction and thermal management needs. Magna is a global automotive manufacturer. Hanon is mainly engaged in the manufacture and supply of automotive thermal management systems worldwide, also known as climate control systems. The Commission concluded that the proposed transaction would raise no competition concerns because the horizontal and vertical links between the two companies are limited. 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.9197](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Maria Tsoni – Tel.: +32 229 90526)

ANNOUNCEMENTS

Vice-President Dombrovskis in Riga for a European Semester visit

Valdis **Dombrovskis**, Vice-President for the Euro and Social Dialogue, also in

charge of Financial Stability, Financial Services and Capital Markets Union, will be in Latvia for a European Semester visit on 7 and 8 February. He will meet Prime Minister Krišjānis Kariņš, Minister of Finance Jānis Reirs, and Minister of Health Ilze Viņķele. He will also visit the new [Academic Centre of the University of Latvia](#), supported by the Juncker Plan's European Fund for Strategic Investments (EFSI), together with Indriķis Muižnieks, rector of the University. (For more information: Annika Breidthardt – Tel.: +32 229 56153; Annikky Lamp – Tel.: +32 229 56151)

Le vice-président Katainen se rend en Espagne pour prendre part à des réunions politiques et des Dialogues avec les citoyens

Le vice-président en charge de l'emploi, de la croissance, de l'investissement et de la compétitivité Jyrki **Katainen** se rendra en Espagne du 6 au 8 février. Le mercredi 6 février, il sera à Madrid et rencontrera la ministre de la Défense, Mme Margarita Robles et le président du Partido Popular, M. Pablo Casado. Le vice-président participera ensuite à un dîner de travail organisé par la Confédération espagnole des organisations d'entreprises (CEOE). Le lendemain, le vice-président **Katainen** prononcera un discours inaugural au [Forum Nueva Economía](#) et rencontrera la vice-présidente du gouvernement et ministre de la présidence, des relations avec le Parlement et de l'égalité, Mme Carmen Calvo. Il prendra ensuite la parole devant la commission mixte pour l'Union européenne du Parlement espagnol et participera à un déjeuner de travail avec la ministre de l'économie et des entreprises, Mme Nadia Calviño. Vendredi, le vice-président **Katainen** se rendra à Malaga où il rencontrera le président du gouvernement régional d'Andalousie, M. Juan Manuel Moreno, ainsi que le maire de Malaga, M. Francisco de la Torre. Le vice-président participera à un [Dialogue avec les citoyens](#) sur "L'économie européenne et l'Avenir de l'Europe". Dans l'après-midi, M. **Katainen** visitera la ville de Fuengirola, où il participera à un [Dialogue avec les citoyens](#) sur "l'Avenir de l'Europe" avec des représentants locaux finlandais. Le vice-président **Katainen** assistera ensuite à l'inauguration du Smart Work Plaza avec la maire de Fuengirola, Mme Ana Mula. (Pour plus d'informations: Annika Breidthardt – Tél.: +32 229 56153; Sophie Dupin de Saint-Cyr – Tél.: +32 229 56169)

Commissioners Avramopoulos, Jourová and King in Bucharest for informal meeting of Justice and Home Affairs Ministers

Commissioner for Migration, Home Affairs and Citizenship Dimitris **Avramopoulos**, Commissioner for Justice, Consumers and Gender Equality Věra **Jourová** and Commissioner for the Security Union Julian **King** will attend the informal Justice and Home Affairs Council meeting in Bucharest on 7 and 8 February. The meeting of Home Affairs Ministers will start on Thursday morning with sessions dedicated to EU counter-terrorism and police cooperation, with the participation of Commissioners Avramopoulos and King. Discussions will continue over lunch with an exchange of views on the functioning of the Schengen area. In the afternoon, Commissioner Avramopoulos will discuss with Ministers the way forward on migration and asylum. Commissioner Avramopoulos and the Minister of Internal Affairs of Romania Carmen Daniela Dan will then give a press conference at +/- 16.15 (CET), which will be livestreamed on [EbS+](#). On Friday, Commissioner Jourová will join

Justice Ministers to discuss the way forward in the area of judicial cooperation in civil and commercial matters. Over lunch, Justice Ministers will discuss cross-border access to electronic evidence for criminal investigations. In this context, Commissioners Jourová and King will then present the negotiating mandates for the EU-US agreement on the exchange of e-evidence and for the Second additional protocol to the Budapest Convention (see [press release](#)). A press conference will take place at +/- 14:30 (CET). (For more information: *Natasha Bertaud* – Tel.: +32 229 67456; *Christian Wigand*- Tel.: +32 229 62253)

Commissioner Navracsics in Germany for Citizens' Dialogue with young people

Commissioner for Education, Culture, Youth and Sport, **Tibor Navracsics**, will be in Düsseldorf tomorrow morning (7 February) to hold a [Citizens' Dialogue](#) with young people alongside Sabine Verheyen, Member of the European Parliament's Committee on Culture and Education. The event will focus on young people's engagement in society and is part of the "[Y Vote](#)" campaign organised by the [European Students' Forum](#) ahead of the European Parliament elections in May. Bringing together young people from different European countries, the event is designed to help make young voters aware of the relevance of the elections and the importance of making informed choices. This approach also resonates with the new [EU Youth Strategy](#), which emphasises the importance of engaging, connecting and empowering young people in Europe. (For more information: *Nathalie Vandystadt* – Tel.: [+32 229 67083](#); *Joseph Waldstein* – Tel.: [+32 229 56184](#))

[Upcoming events](#) of the European Commission (ex-Top News)

[Questions and Answers – Commission makes it easier for citizens to access health data securely across borders](#)

What are the objectives of the Recommendation?

The [Recommendation](#) aims to allow EU citizens to access securely their health records across Member States more easily. In particular it aims at the creation of a European format that will allow electronic health records being shared in a secure manner at the same time as adhering to data protection rules.

Member States have already taken the first steps in making some parts of the health records interoperable, such as patient summaries and e-prescriptions. The Recommendation takes this action further and proposes that Member States extend this work into three new areas of the health record: laboratory tests, medical discharge reports and images, and imaging reports. Moreover, the text

sets the basis for the necessary technical specifications that should be used in health record exchanges.

The initiative also aims to place the future development of the work into a clear framework by setting down principles for the exchange of health information across EU borders and a governance process involving the Commission, Member States and relevant stakeholders.

How will the Recommendation benefit to citizens, doctors and medical practitioners?

The possibility to exchange health records across borders will help citizens to have better health care as they move around the European Union. For example, it can provide important health history about an individual in the event of an accident, or other need for unplanned health care while abroad. Subsequently, once the citizen returns home the records of the treatment abroad can be integrated into the existing health record.

Furthermore, health systems will benefit significantly from exchanging health records, since this would enable access to a patient's recent laboratory or radiology tests. This will help a hospital in another Member State to avoid repeating such tests and thus save patients' time and reduce hospital costs. This could increase the efficiency and sustainability of healthcare systems.

Moreover, as electronic health records become more interoperable across borders, more health data will be available to support the integration of Artificial Intelligence (AI) systems that can assist medical decision making. This should have positive impact both on the quality of health care received and the efficiency of health care systems.

How can access to Electronic Health Record be helpful in real life situations?

Let's take a concrete example: Davide is a 59 -year old who has lived and worked abroad for the last 30 years. He suffers from a particular heart condition and would like his doctors in his native country to have access to his full medical records built-up abroad over the last 30 years. The new Recommendation will make this possible.

Another example would be of a citizen, who is seeking referral to a specialist medical centre in another Member State, such as for a rare condition or for treatment for an advanced cancer. The possibility to exchange his or her Electronic Health Record across-borders will be of great support.

How does the Recommendation make sure that health data are fully protected?

Security and privacy are essential to ensure trust and are at the core of this Recommendation. It encourages Member States to ensure that citizens are able to choose to whom they provide access to their electronic health data, and which health information details are shared.

Moreover, the exchange of Electronic Health Records (EHR) needs to be

implemented in full compliance with the [General Data Protection Regulation](#) (GDPR). This is the framework for the protection of personal data and which sets out directly applicable rules for the processing of individuals' personal data, including health data.

Moreover, the [Directive on security of network and information systems](#) (the NIS Directive) sets out a range of measures for Member States to provide a level of security for network and information systems, including health information systems.

Access, security and trust in EHR systems should be also enhanced by the use of secure [electronic identification](#) and authentication means.

The Recommendation proposes that Member States create National Digital Health Networks in order to, inter alia, ensure that the security of national health systems is enhanced and to support the cross border secure exchange of health data.

Does the Recommendation cover the use of health data for research purposes?

The purpose of the Recommendation is to develop the systems that can support citizens and the health care they receive when travelling through the EU. By improving the interoperability of EHRs, it will also support health research (as well as diagnostics and prevention), by enabling the use of advanced technological solutions, such as Artificial Intelligence and high performance computing.

What else is the Commission doing in order to promote an exchange of Electronic Health Records across the EU?

There is ongoing work both within Member States and at European level in order to build infrastructures for health data exchange. There is considerable accumulated knowledge and experience to build upon in particular through the [eHealth Digital Service Infrastructure](#) (eHDSI) established under the [CEF Programme](#). A number of Member States^[1] have agreed to [exchange Patient Summaries and ePrescriptions](#) between health professionals across borders. Some of them have already started these exchanges: at this moment, Finland has already made their [ePrescriptions](#) available abroad and Estonia has accepted ePrescriptions coming from another European country. Luxembourg will soon accept patient summaries from other European countries and the Czech Republic will made its patient summaries available abroad. The other countries will join these exchanges later.

ePrescription (and eDispensation) allows citizens in Europe to retrieve their medication in a pharmacy located in another European country, thanks to the online transfer of their electronic prescription from their country of affiliation to their country of travel. The country of residence is informed about the medicine the patient retrieves in the country of travel (eDispensation). The **Patient Summary** can provide information on important health related aspects such as allergies, current medication, previous illness, major surgeries in the past 6 months, implants, medical devices, pregnancy (if relevant), social history, physical findings, diagnostic tests

etc. The digital Patient Summary is meant to provide doctors with essential information in their own language concerning the patient, when the patient comes from another EU country and there may be a linguistic barrier. However, it is not mandatory that all the above information exists, is known or can be translated.

These elements represent parts of electronic health records. These agreements provide a firm basis and will eventually enable citizens to access and exchange their full electronic health records throughout the European Union.

The Commission is also putting forward a new Implementing Decision on the management and functioning of the eHealth Network.

Will the specifications of the EU Electronic Health Records exchange format be further elaborated?

The specifications of the European Electronic Health Record exchange format should be regularly reviewed and updated in order to further define the granularity of the health data and respond to technological developments. Relevant stakeholders will be involved in revising and updating the specifications.

On which principles are the technical specifications established?

The specifications cover an initial set of healthcare information categories to which Member States should aim to provide cross border secure digital access.

The technical specifications have been established on the basis of the work of the [e-Health Digital Service Infrastructure](#) (eHDSI), and the process has been implemented by the European Commission together with Member States. Therefore, several services for cross-border health data exchange are currently been deployed under the [Connecting Europe Facility \(CEF\)](#) Programme. The eHDSI uses established industry specifications that have been adopted by the participating Member States.

The exchange format which is being proposed is designed in such a way that would allow flexibility both in terms of technological choices and in relation to individual Member State's readiness to engage. This flexibility is also required due to the dynamic nature of the technical specifications, and the fast pace of advancements in the area of digital technology.

What are the specifications for the Electronic Health Record exchange format?

The Recommendation comprises an initial set of two categories

1. Health information domains to be exchanged, covering, inter alia, patient's summaries, ePrescriptions, laboratory results reports, medical imaging reports and images, Hospital discharge reports.
2. Specifications for the exchange of data within these health information domains.

How will the implementation of the European Electronic Health Record exchange

format be governed?

The exchange format is a baseline to be revised periodically through a joint coordination process with Member States and other relevant stakeholders. The aim is to ensure that the process remains up-to-date, sustainable and constantly develops in a way that addresses the needs of citizens, health systems and society more widely.

The process to further develop the European EHR exchange format should be steered through a joint coordination process. This should be based on a shared roadmap that identifies agreed priorities and tasks for further specifications to be considered in the years ahead.

In addition to implementing further improvements to the interoperability of EHR systems, the Joint Coordination Process should also monitor and assess progress and allow for horizon scanning with regard to technological and methodological innovations and their incorporation into EHR systems.

The eHealth Network, comprising e-health agencies in Member States and coordinating the exchange of patient summaries and e-prescriptions through the eHealth Digital Service Infrastructure, will have an essential role in taking the format forward by developing specific guidelines and monitoring its implementation.

More Information

[Press release: Commission makes it easier for citizens to access health data securely across borders](#)

[Commission Recommendation on a European electronic Health Record exchange format](#)

[Infographic Impact of European Exchange format of Electronic Health Records](#)

[Synopsis report of the public consultation on building a European data economy](#)

[Public Consultation on Health and Care in the Digital Single Market](#)

[General Data Protection Regulation](#)

[Proposal for a Regulation on Privacy and Electronic Communications](#)

[Electronic cross-border health services](#)

[Digital Exchange of ePrescriptions and Patient Summaries](#)

[1] 22 Member States: Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovenia, Spain and Sweden.