

## **Declaration by the High Representative on behalf of the EU on the escalating tensions in the Azov Sea**

The EU expresses its utmost concern about the dangerous increase of tensions in the Azov Sea and Kerch Strait in recent days which has led to the seizure of Ukrainian vessels and their crews by Russia and shots being fired at them, wounding several Ukrainian servicemen. We are dismayed at this use of force by Russia which, against the backdrop of increasing militarisation in the area, is unacceptable.

The European Union expects Russia to ensure unhindered and free passage through the Kerch strait to and from the Azov Sea, in accordance with international law. We call on all for utmost restraint to de-escalate the situation immediately. In this context, we also call strongly on Russia to release the captured vessels, their crew and equipment unconditionally and without delay.

The illegal annexation of the Crimean peninsula by Russia in 2014 remains a direct challenge to international security, with grave implications for the international legal order that protects the unity and sovereignty of all States. We reconfirm our condemnation of this violation of international law. The construction of the Kerch bridge constitutes a further violation of Ukraine's sovereignty and territorial integrity.

The European Union reiterates its full support for the independence, sovereignty and territorial integrity of Ukraine within its internationally recognised borders. The European Union does not and will not recognise the illegal annexation of the Crimean peninsula by Russia. The European Union will continue to follow closely the situation and is determined to act appropriately, in close coordination with its international partners.

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## **Recovering unpaid road tolls will become easier across Europe – Council approves provisional deal**

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## [Recovering unpaid road tolls will become easier across Europe – Council approves provisional deal](#)

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It will soon become easier for member states to **trace people who fail to pay road fees**, even when their vehicles are registered in another EU country. A new information-sharing system allowing this is included in the **updated electronic road toll rules** that member states' ambassadors approved today in the Council's Permanent Representatives Committee. A provisional deal was reached by the presidency and the European Parliament on 20 November.

This reform puts all road users on an equal footing when it comes

to paying road fees. It also makes electronic tolling systems more interoperable and therefore more cost-efficient and user-friendly.

*Norbert Hofer, Minister for Transport, Innovation and Technology of Austria, President of the Council*

Under the reform, national authorities will have access to other member states' national vehicle registration data in order to identify owners of vehicles for which road fees have not been paid. The information exchange relates to fees to be paid electronically or manually for using road infrastructure. The possible administrative or legal consequences will depend on the national law of the country where the fee was left unpaid.

The new rules will also remove administrative barriers, such as local technical specifications, and give electronic tolling providers easier access to the toll collection market.

The new measures will become applicable 30 months after the entry into force of the directive.

This is the first proposal in the three mobility packages to be agreed on between the Council and the Parliament.

## **Next steps**

Once the agreed text has undergone legal and linguistic finalisation it must be formally adopted, first by the Parliament and then by the Council. Following adoption, the directive will be published in the EU's Official Journal.

**The text of the draft directive will soon be available on this webpage.**

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## [Mergers: Commission opens in-depth investigation into Nidec's proposed acquisition of Whirlpool's refrigeration compressor business](#)

Commissioner Margrethe **Vestager**, in charge of competition policy, said: *"Refrigeration compressors are used not only in commercial applications but also in our homes, in fridges and freezers. This industry is already highly concentrated, therefore the Commission will closely analyse the impact on competition of Nidec's proposed acquisition of Embraco, to ensure their customers and final consumers are not harmed due to higher prices or less choice."*

Nidec and Embraco, the compressor business of Whirlpool, both produce compressors that are used in refrigeration appliances for household use, such as kitchen refrigerators and freezers, and for light commercial use, for instance beverage coolers, commercial refrigerators and freezers, and refrigerated display cabinets.

Compressors run at either a **fixed speed**, regulating the temperature by turning on and off as needed, or **variable speed**, adjusting the speed at which they run depending on the need for cooling in order to maintain the desired

temperature. Variable speed compressors tend to be more energy efficient, quieter and more expensive than fixed speed compressors with the same cooling capacity. As energy efficiency standards are progressively increased in the refrigeration appliances industry, the demand for variable speed compressors is expected to grow at the expense of fixed speed compressors.

Nidec and Embraco are among the leading suppliers worldwide and in the European Economic Area (EEA) for variable speed compressors used in household applications. They are also the two leading suppliers of fixed and variable speed compressors for light commercial applications, at both global and EEA level.

### **The Commission's competition concerns**

The Commission's initial market investigation identified the following main concerns:

- For **variable speed compressors used in household applications**, the elimination of competition between Nidec and Embraco could lead to higher prices and less choice.
- For both **fixed and variable speed compressors used in light commercial applications**, the elimination of competition between Nidec and Embraco could lead to higher prices and less choice.

Nidec submitted commitments in order to address the competition concerns identified by the Commission. Having tested these commitments with market players, the Commission concluded that they were insufficient to remove the concerns raised.

The transaction was notified to the Commission on 8 October 2018. The Commission now has 90 working days, **until 15 April 2019**, to take a decision. The opening of an in-depth investigation does not prejudice the outcome of the investigation.

### **Companies and products**

**Nidec**, based in Japan, is active in the engineering, manufacture, and distribution of a range of electric motors and motor application products. Since its acquisition of Secop GmbH in 2017, Nidec also manufactures and sells compressors for use in refrigeration appliances. Nidec manufactures compressors in Austria, Slovakia and China.

**Embraco**, based in Brazil, is active in the manufacture and sale of compressors for use in refrigeration appliances. Embraco manufactures compressors in Slovakia, Brazil, Mexico and China. Embraco is owned and controlled by Whirlpool, a U.S. company that manufactures a full line of home appliances and related products, including refrigeration appliances.

### **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 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).

In addition to the current transaction, there are currently six on-going phase II merger investigations: the proposed creation of a [joint venture by Tata Steel and ThyssenKrupp](#), the proposed [acquisition of Aurubis Rolled Products and Schwermetall by Wieland](#), the proposed [acquisition of MKM by KME](#), the proposed [acquisition of Gemalto by Thales](#), the proposed [acquisition of Alstom by Siemens](#) and the proposed [acquisition of Solvay's nylon business by BASF](#).

More information will be available on the [competition](#) website, in the Commission's public [case register](#) under the case number [M.8947](#).