

Opinion of the Advisory Committee on mergers at its meeting of 8 March 2021 concerning a preliminary draft decision relating to Case M. 9820 – Danfoss/Eaton Hydraulics

Rapporteur: Malta

(Text with EEA relevance)

(2021/C 483/09)

Operation

1. The Advisory Committee (11 Member States) agrees with the Commission that the Transaction constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.

Union Dimension

2. The Advisory Committee (11 Member States) agrees with the Commission that the Transaction has a Union dimension pursuant to Article 1(2) of the Merger Regulation.

Product Markets

3. The Advisory Committee (11 Member States) agrees with the Commission's definition of the relevant product market for hydraulic steering units (HSUs).
4. The Advisory Committee (11 Member States) agrees with the Commission's definition of the relevant product market for electro-hydraulic steering valves (ESVs).
5. The Advisory Committee (11 Member States) agrees with the Commission's definition of the relevant product market for orbital motors.
6. The Advisory Committee (11 Member States) agrees with the Commission's definition of the relevant product market for pumps.

Geographic markets

7. The Advisory Committee (11 Member States) agrees with the Commission's definition of the relevant geographic market for HSUs, ESVs, orbital motors and pumps as EEA-wide.

Competitive Assessment

8. The Advisory Committee (11 Member States) agrees with the Commission's assessment that the Transaction, as notified, would lead to a significant impediment of effective competition on the EEA markets for HSUs, in particular by the creation or strengthening of a dominant position.
9. The Advisory Committee (11 Member States) agrees with the Commission's assessment that the Transaction, as notified, would lead to a significant impediment of effective competition on the EEA markets for ESVs, in particular by the creation or strengthening of a dominant position.
10. The Advisory Committee (11 Member States) agrees with the Commission's assessment that the Transaction, as notified, would lead to a significant impediment of effective competition on the EEA markets for orbital motors, in particular by the creation or strengthening of a dominant position.
11. The Advisory Committee (11 Member States) agrees with the Commission's assessment that the Transaction, as notified, would not significantly impede effective competition with regard to pumps for mobile applications and any plausible sub-segment thereof.
12. The Advisory Committee (11 Member States) agrees with the Commission's assessment that the Transaction, as notified, would not significantly impede effective competition with regard to conglomerate effects.

Commitments

13. The Advisory Committee (11 Member States) agrees with the Commission that the Final Commitments are suitable and sufficient to eliminate the significant impediment to effective competition in relation to the markets for HSUs, for ESVs and for orbital motors in the EEA.

Compatibility with the Internal Market

14. The Advisory Committee (11 Member States) agrees with the Commission that the Transaction, as modified with the Final Commitments, should therefore be declared compatible with the internal market and the functioning of the EEA Agreement.
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