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EN

Price:
EUR 3⁽¹⁾ Text with EEA relevance

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II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Authorisation for State aid pursuant to Articles 107 and 108 of the TFEU**Cases where the Commission raises no objections****(Text with EEA relevance)**

(2011/C 364/01)

Date of adoption of the decision	10.11.2009
Reference number of State Aid	N 549/09
Member State	Germany
Region	Bayern
Title (and/or name of the beneficiary)	Verlängerung der Beihilferegelung zur Unterstützung der Filmproduktion in Bayern
Legal basis	Richtlinien für die FilmFernsehFonds Bayern GmbH, Haushaltsgesetz des Freistaates Bayern
Type of measure	Aid scheme
Objective	Culture
Form of aid	Reimbursable grant, Direct grant, Soft loan
Budget	Annual budget: EUR 13,5 million Overall budget: EUR 54 million
Intensity	70 %
Duration (period)	1.1.2010-31.12.2013
Economic sectors	Media
Name and address of the granting authority	FilmFernsehFonds Bayern GmbH
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm

Date of adoption of the decision	19.10.2011
Reference number of State Aid	N 330/10
Member State	France
Region	—
Title (and/or name of the beneficiary)	Programme national «Très haut débit» — Volet B
Legal basis	Loi n° 2009-1572 du 17 décembre 2009 relative à la lutte contre la fracture numérique. Code général des collectivités territoriales (articles L 1425-1 et L 1425-2). Loi n° 2010-237 du 9 mars 2010 de finances rectificative pour 2010. Code des postes et des communications électroniques (articles L 34-8 et L 34-8-3). Décision n° 2010-1314 de l'ARCEP en date 14 décembre 2010 précisant les conditions d'accessibilité et d'ouverture des infrastructures et des réseaux éligibles à une aide du fonds d'aménagement numérique des territoires
Type of measure	Aid scheme
Objective	Sectoral development, Regional development
Form of aid	Direct grant
Budget	Overall budget: EUR 750 million
Intensity	—
Duration (period)	Until 1.1.2016
Economic sectors	Post and telecommunications
Name and address of the granting authority	Fonds national pour la société numérique, collectivités territoriales
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm

Date of adoption of the decision	9.11.2011
Reference number of State Aid	SA.31722 (11/N)
Member State	Hungary
Region	—
Title (and/or name of the beneficiary)	A sporttevékenység támogatásához kapcsolódó társaságiadó-, és illeték-kezdmény
Legal basis	A sporttal összefüggő egyes törvények módosításáról szóló 2010. évi LXXXIII. törvény. A társasági adóról és az osztalékadóról szóló 1996. évi LXXXI. törvény. Az illetékekről szóló 1990. évi XCIII. törvény
Type of measure	Aid scheme
Objective	Sectoral development
Form of aid	Tax allowance

Budget	Annual budget: HUF 21 200 million Overall budget: HUF 127 200 million
Intensity	70 %
Duration (period)	Until 30.6.2017
Economic sectors	Recreational, cultural sporting activities
Name and address of the granting authority	Nemzeti Fejlesztési Minisztérium és Nemzeti Erőforrás Minisztérium
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm

Communication in accordance with Article 12(5)(a) of Council Regulation (EEC) No 2913/92 on the information provided by the customs authorities of the Member States concerning the classification of goods in the customs nomenclature

(2011/C 364/02)

Binding tariff information ceases to be valid from this day if it becomes incompatible with the interpretation of the customs nomenclature as a result of the following international tariff measures:

Amendments to the Harmonised System Explanatory Notes and the Compendium of Classification Opinions, approved by the Customs Cooperation Council (CCC doc. NC1649 — report of the 47th Session of the HS Committee):

AMENDMENTS TO THE EXPLANATORY NOTES TO BE DONE UNDER ARTICLE 8 PROCEDURE OF THE HS CONVENTION AND CLASSIFICATION OPINIONS EDITED BY THE HS COMMITTEE OF THE WORLD CUSTOMS ORGANISATION

(47th SESSION OF THE HSC IN MARCH 2011)

DOC. NC1649

Amendments of the Explanatory Notes of the Nomenclature annexed to the HS Convention

Chapter 29 R/11

Classification Opinions approved by the HS Committee

2106.90/26-27 R/3

2208.90/4-6 R/2

4410.11/1 R/4

8517.62/20 R/5

8528.51/1 R/6

8543.70/5 R/7

Binding tariff information ceases to be valid, in conformity with Article 17 of the Community Customs Code, from 1 January 2012 if it becomes incompatible with the interpretation of the customs nomenclature as a result of the following international tariff measures:

Amendments to the Harmonised System Explanatory Notes, approved by the Customs Cooperation Council (CCC doc. NC1649 — report of the 47th Session of the HS Committee, Annex Q/4):

AMENDMENTS TO THE EXPLANATORY NOTES TO BE DONE UNDER AN ARTICLE 8 PROCEDURE OF THE HS CONVENTION EDITED BY THE HS COMMITTEE OF THE WORLD CUSTOMS ORGANISATION

(47th HSC SESSION IN MARCH 2011)

DOC. NC1649

Amendments to the Explanatory Notes of the Nomenclature annexed to the HS Convention pursuant to the Recommendation of 26 June 2009 and elaborated by the HSC at its 47th meeting. Doc. NC1649.

Explanatory Notes Q/4

Amendments to the Harmonised System Explanatory Notes, approved by the Customs Cooperation Council (CCC doc. NC1705 — report of the 48th Session of the HS Committee, Annex N):

**AMENDMENTS TO THE EXPLANATORY NOTES TO BE DONE UNDER AN ARTICLE 8 PROCEDURE OF THE
HS CONVENTION EDITED BY THE HS COMMITTEE OF THE WORLD CUSTOMS ORGANISATION**

(48th HSC SESSION IN SEPTEMBER 2011)

DOC. NC1705

Amendments to the Explanatory Notes of the Nomenclature annexed to the HS Convention pursuant to the Recommendation of 26 June 2009 and elaborated by the HSC at its 48th meeting. Doc. NC1705.

Explanatory Notes

N

Information regarding the contents of these measures can be obtained from the Directorate-General for Taxation and Customs Union of the European Commission (rue de la Loi/Wetstraat 200, 1049 Brussels, Belgium) or can be downloaded from the internet site of this Directorate-General:

http://ec.europa.eu/comm/taxation_customs/customs/customs_duties/tariff_aspects/harmonised_system/index_en.htm

III

(Preparatory acts)

COUNCIL

COUNCIL

COUNCIL RECOMMENDATION**of 30 November 2011****on the appointment of a member of the Executive Board of the European Central Bank***(2011/C 364/03)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 283(2) thereof,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.2 thereof,

Whereas it is necessary to appoint a new member of the Executive Board of the European Central Bank following the decision of Mr Lorenzo BINI SMAGHI to resign with effect from the end of 31 December 2011,

HEREBY RECOMMENDS TO THE EUROPEAN COUNCIL:

To appoint Mr Benoît COEURÉ as member of the Executive Board of the European Central Bank for a term of office of eight years.

Done at Brussels, 30 November 2011.

For the Council

The President

J. VINCENT-ROSTOWSKI

EUROPEAN CENTRAL BANK

EUROPEAN CENTRAL BANK

OPINION OF THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK

of 7 December 2011

on a Council recommendation on the appointment of a member of the Executive Board of the European Central Bank

(CON/2011/100)

(2011/C 364/04)

Introduction and legal basis

On 1 December 2011, the European Central Bank (ECB) received a request from the President of the European Council for an opinion on a Council Recommendation of 30 November 2011 ⁽¹⁾ on the appointment of a member of the Executive Board of the European Central Bank.

The competence of the ECB's Governing Council to deliver an opinion is based on Article 283(2) of the Treaty on the Functioning of the European Union.

General observations

1. The Council's recommendation, which was submitted to the European Council, and on which the European Parliament and the ECB's Governing Council are being consulted, recommends appointing Benoît COEURÉ as a member of the ECB's Executive Board for a term of office of eight years.
2. The ECB's Governing Council is of the opinion that the proposed candidate is a person of recognised standing and professional experience in monetary or banking matters as required by Article 283(2) of the Treaty.
3. The ECB's Governing Council has no objection to the Council's recommendation to appoint Benoît COEURÉ as a member of the ECB's Executive Board.

Done at Frankfurt am Main, 7 December 2011.

The President of the ECB

Mario DRAGHI

⁽¹⁾ Not yet published in the Official Journal.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

13 December 2011

(2011/C 364/05)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3181	AUD	Australian dollar	1,3016
JPY	Japanese yen	102,60	CAD	Canadian dollar	1,3528
DKK	Danish krone	7,4366	HKD	Hong Kong dollar	10,2548
GBP	Pound sterling	0,84625	NZD	New Zealand dollar	1,7215
SEK	Swedish krona	9,0605	SGD	Singapore dollar	1,7158
CHF	Swiss franc	1,2345	KRW	South Korean won	1 519,49
ISK	Iceland króna		ZAR	South African rand	10,8795
NOK	Norwegian krone	7,7110	CNY	Chinese yuan renminbi	8,3877
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,4986
CZK	Czech koruna	25,633	IDR	Indonesian rupiah	12 005,28
HUF	Hungarian forint	304,39	MYR	Malaysian ringgit	4,1850
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	57,795
LVL	Latvian lats	0,6970	RUB	Russian rouble	41,7115
PLN	Polish zloty	4,5608	THB	Thai baht	41,138
RON	Romanian leu	4,3485	BRL	Brazilian real	2,4292
TRY	Turkish lira	2,4641	MXN	Mexican peso	18,1647
			INR	Indian rupee	70,1100

⁽¹⁾ Source: reference exchange rate published by the ECB.

FRAMEWORK ON STATE AID TO SHIPBUILDING

(2011/C 364/06)

1. INTRODUCTION

1. Since the early 1970s, State aid to shipbuilding has been subject to a series of specific State aid regimes, which have been gradually aligned with the horizontal State aid provisions. The current Framework on State aid to shipbuilding⁽¹⁾ will expire on 31 December 2011. In line with its policy to ensure enhanced transparency and simplification of State aid rules, the Commission aims, to the greatest extent possible, to eliminate the differences between the rules applicable to the shipbuilding industry and to other industrial sectors, by extending general horizontal provisions to the shipbuilding sector⁽²⁾.

2. Nevertheless, the Commission acknowledges that certain features distinguish shipbuilding from other industries, such as the short production series, the size, value and complexity of the units produced and the fact that prototypes are generally used commercially.

3. In the light of those special characteristics, the Commission considers it appropriate to continue to apply specific provisions in respect of innovation aid for the shipbuilding sector while ensuring that such aid does not adversely affect trading conditions and competition to an extent contrary to the common interest.

4. State aid for innovation must lead to the recipient of aid changing its behaviour so that it increases its level of innovation activity and innovation projects or activities take place which would not otherwise be carried out, or which would be carried out in a more restricted manner. Incentive effect is identified by counterfactual analysis, comparing the levels of intended activity with aid and without aid. Therefore, this Framework identifies specific requirements which will enable Member States to ensure the presence of an incentive effect.

5. An informal set of rules concerning innovation aid for shipbuilding regarding, in particular, the eligible costs and the confirmation of the innovative character of the project, has been developed in conjunction with the industry and is applied by the Commission in its decision-making practice. In the interests of transparency, those rules should be formally integrated into the rules on innovation aid.

⁽¹⁾ OJ C 317, 30.12.2003, p. 11.

⁽²⁾ See State aid action plan COM(2005) 107 final, pt. 65: 'the Commission will decide whether a Framework for State aid to shipbuilding is still needed or if the sector should simply be governed by horizontal rules'.

6. As regards regional aid, the Commission will review the horizontal Guidelines on national regional aid for 2007-2013⁽³⁾ in 2013. Therefore, the Commission will continue to apply the same specific rules for regional aid in the shipbuilding sector that are currently foreseen in the 2003 Framework until that time. It will reassess the situation in the context of the revision of the Guidelines on national regional aid.

7. With regard to export credits, the objective of this Framework is to respect applicable international obligations.

8. This Framework therefore contains specific provisions in relation to innovation aid and regional aid for shipbuilding, as well as provisions on export credits. In addition, aid to the shipbuilding sector can be deemed compatible with the internal market under the Treaty on the Functioning of the European Union and under the horizontal State aid instruments⁽⁴⁾, unless otherwise provided for in those instruments.

9. In accordance with Article 346 of the Treaty and subject to the provisions of Article 348 of the Treaty, any Member State may take such measures as it considers necessary for the protection of the essential interests of its security with respect to funding for military vessels.

10. The Commission intends to apply the principles set out in this Framework from 1 January 2012 to 31 December 2013. After that date the Commission envisages including the provisions on innovation aid in the Community framework for State aid for research and development and innovation⁽⁵⁾ and integrating regional aid for shipbuilding into the Guidelines on national regional aid.

2. SCOPE AND DEFINITIONS

11. Under this Framework, the Commission may authorise aid to shipyards or, in the case of export credits, aid to ship owners, which is granted for building, repair or conversion of ships, as well as innovation aid granted for the construction of floating and moving offshore structures.

⁽³⁾ OJ C 54, 4.3.2006, p. 13.

⁽⁴⁾ For instance, the Community Guidelines on State aid for environmental protection (OJ C 82, 1.4.2008, p. 1) lay down the conditions under which aid to shipyards for more environmentally friendly production may be authorised. Moreover, aid for the acquisition of new transport vehicles which go beyond Union standards or which increase the level of environmental protection in the absence of Union standards can be granted to ship owners, thus contributing overall to cleaner maritime transport.

⁽⁵⁾ OJ C 323, 30.12.2006, p. 1.

12. For the purposes of this Framework, the following definitions shall apply:

- (a) 'shipbuilding' means the building, in the Union, of self-propelled commercial vessels;
- (b) 'ship repair' means the repair or reconditioning, in the Union, of self-propelled commercial vessels;
- (c) 'ship conversion' means the conversion, in the Union, of self-propelled commercial vessels of not less than 1 000 gt ⁽¹⁾, on condition that conversion operations entail radical alterations to the cargo plan, the shell, the propulsion system or the passenger accommodation;
- (d) 'self-propelled commercial vessel' means a vessel that, by means of its permanent propulsion and steering, has all the characteristics of self-navigability on the high seas or on inland waterways and belongs to one of the following categories:
 - (i) seagoing vessels of not less than 100 gt and inland waterway vessels of equivalent size used for the transportation of passengers and/or goods;
 - (ii) seagoing vessels of not less than 100 gt and inland waterway vessels of equivalent size used for the performance of a specialised service (for example, dredgers and ice breakers);
 - (iii) tugs of not less than 365 kW;
 - (iv) unfinished shells of the vessels referred to in points (i), (ii) and (iii) that are afloat and mobile;
- (e) 'floating and moving offshore structures' means structures for the exploration, exploitation or generation of oil, gas or renewable energy that have the characteristics of a commercial vessel except that they are not self-propelled and are intended to be moved several times during their operation.

3. SPECIFIC MEASURES

3.1. Regional aid

13. Regional aid to shipbuilding, ship repair or ship conversion may be deemed compatible with the internal market if it fulfils, in particular, the following conditions:

- (a) the aid must be granted for investment in upgrading or modernising existing yard(s), not linked to a financial restructuring of the yard(s) concerned, with the objective of improving the productivity of existing installations;
- (b) in regions referred to in point (a) of Article 107(3) of the Treaty and complying with the map approved by the Commission for each Member State for the grant of regional aid, the intensity of the aid must not exceed 22,5 % gross grant equivalent;
- (c) in regions referred to in point (c) of Article 107(3) of the Treaty and complying with the map approved by the Commission for each Member State for the grant of regional aid, the intensity of the aid must not exceed 12,5 % gross grant equivalent or the applicable regional aid ceiling, whichever is the lower;
- (d) the aid must be limited to support eligible expenditure as defined in the Guidelines on national regional aid for 2007-2013.

3.2. Innovation aid

3.2.1. Eligible applications

14. Aid granted for innovation for shipbuilding, ship repair or ship conversion may be deemed compatible with the internal market up to a maximum aid intensity of 20 % gross provided that it relates to the industrial application of innovative products and processes, that is to say, technologically new or substantially improved products and processes when compared to the state of the art that exists in the shipbuilding industry within the Union, which carry a risk of technological or industrial failure. Innovation aid for the equipment and the modernisation of fishing vessels will not be deemed compatible with the internal market, unless the conditions laid down in Article 25(2) and (6) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund ⁽²⁾, or in its successor provisions, are fulfilled. No aid can be granted to a shipyard if aid from the European Fisheries Fund, or from its successor instrument, or other public aid, is granted in respect of the same vessel.

15. Innovative products and processes within the meaning of point 14 include improvements in the environmental field related to quality and performance, such as optimising fuel consumption, emissions from engines, waste and safety.

⁽¹⁾ Gross tons.

⁽²⁾ OJ L 223, 15.8.2006, p. 1.

16. Where the innovation has the objective of increasing environmental protection and leads to compliance with adopted Union standards at least one year before those standards enter into force or increases the level of environmental protection in the absence of Union standards or makes it possible to go beyond Union standards, the maximum aid intensity can be increased to 30 % gross. The expressions 'Union standards' and 'environmental protection' have the meaning set out in the Community guidelines on State aid for environmental protection.

17. Provided that they comply with the criteria in point 14, innovative products will refer either to a new class of vessel as defined by the first vessel of a potential series of ships (prototype) or to innovative parts of a vessel, which can be isolated from the vessel as a separate element.

18. Provided that they comply with the criteria in point 14, innovative processes will refer to the development and implementation of new processes regarding production, management, logistic or engineering areas.

19. Innovation aid can only be deemed compatible with the internal market if it is granted for the first industrial application of innovative products and processes.

3.2.2. Eligible costs

20. Innovation aid for products and processes must be limited to supporting expenditure on investments, design, engineering and testing activities directly and exclusively related to the innovative part of the project and incurred after the date of the application for innovation aid ⁽¹⁾.

21. Eligible costs include costs of the shipyard as well as costs for the procurement of goods and services from third parties (for example, system suppliers, turnkey suppliers and subcontractor companies), to the extent that those goods and services are strictly related to the innovation. The eligible costs are defined in more detail in the Annex.

22. The relevant national authority, designated by the Member State for the purposes of the application of innovation aid, must examine the eligible costs on the basis of the estimations provided and substantiated by the applicant. Where the application includes costs for the procurement of goods and services from suppliers, the supplier must not have received State aid for the same objectives in respect of those goods or services.

⁽¹⁾ Except for costs for feasibility studies undertaken within 12 months prior to the aid application for an innovative process.

3.2.3. Confirmation of the innovative character of the project

23. In order for innovation aid to be deemed compatible with the internal market under this Framework, an application for innovation aid must be submitted to the relevant national authority prior to the applicant entering into a binding agreement to implement the specific project for which innovation aid is sought. The application must include a description of the innovation, in both qualitative and quantitative terms.

24. The relevant national authority must seek confirmation from an independent and technically competent expert that the aid is sought for a project that represents a technologically new or substantially improved product or process compared to the state of the art that exists in the shipbuilding industry within the Union (qualitative appraisal). The aid may only be deemed compatible with the internal market if the independent and technically competent expert confirms to the relevant national authority that the eligible costs for the project have been calculated to cover exclusively the innovative parts of the relevant project (quantitative appraisal).

3.2.4. Incentive effect

25. Innovation aid within the meaning of this Framework must have an incentive effect, that is to say, it must result in the recipient changing its behaviour so that it increases its level of innovation activity. As a result of the aid, the innovation activity must be increased in terms of size, scope, amount spent or speed.

26. In line with point 25, the Commission considers that aid does not present an incentive for the beneficiary where the project ⁽²⁾ has already commenced before the beneficiary submits an application for aid to the national authorities.

27. In order to verify that the aid would induce the aid beneficiary to change its behaviour so that it increases its level of innovation activity, the Member States must provide an *ex ante* evaluation of the increased innovation activity on the basis of an analysis comparing a situation without aid and a situation with aid. The criteria to be used may include the increase in innovation activities in terms of size, scope amount spent or speed, together with other relevant quantitative and/or qualitative factors submitted by the Member State in its notification under Article 108(3) of the Treaty.

28. If a significant effect on at least one of those elements can be demonstrated, taking account of the normal behaviour of an undertaking in the respective sector, the Commission will normally conclude that the aid has an incentive effect.

⁽²⁾ This does not exclude that the potential beneficiary may have already carried out feasibility studies which are not covered by the request for State aid.

29. When assessing an aid scheme, the conditions relating to the incentive effect will be deemed to be satisfied if the Member State has committed itself to grant individual aid under the approved aid scheme only after it has verified that an incentive effect is present and to submit annual reports on the implementation of the approved aid scheme.

30. The approval of the aid application must be subject to the condition that the beneficiary enters into a binding agreement to implement the specific shipbuilding, ship repair or ship conversion project or process for which the innovation aid is sought. Payments can only be made after the relevant contract is signed. If the contract is cancelled or the project is abandoned, all aid disbursed must be reimbursed with interest from the date the aid was paid out. Equally, if the project is not completed, aid that has not been used for the eligible innovation expenditure must be reimbursed with interest. The rate of interest must be at least equal to the reference rates adopted by the Commission.

3.3. Export credits

31. Aid to shipbuilding in the form of State-supported credit facilities granted to national and non-national shipowners or third parties for the building or conversion of vessels may be deemed compatible with the internal market if it complies with the terms of the 1998 OECD Arrangement on Guidelines for Officially Supported Export Credits and with its Sector Understanding on Export Credits for Ships or any successive terms laid down in such an arrangement or replacing the Arrangement.

4. MONITORING AND REPORTING

32. Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾ and Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽²⁾ require the

Member States to submit annual reports to the Commission on all existing aid schemes. When adopting a decision under this Framework for all innovation aid granted under an approved scheme to large undertakings, the Commission may request Member States to report on how the requirement for an incentive effect has been respected in relation to aid given to large undertakings, notably using the criteria mentioned in point 3.2.4.

5. CUMULATION

33. The aid ceilings stipulated in this Framework are applicable irrespective of whether the aid in question is financed wholly or in part from State resources or from Union resources. Aid authorised under this Framework may not be combined with other forms of State aid within the meaning of Article 107(1) of the Treaty or with other forms of Union financing, the cumulation of which produces an aid intensity higher than that laid down in this Framework.

34. Where aid serves different purposes and involves the same eligible costs, the most favourable aid ceiling will apply.

6. APPLICATION OF THIS FRAMEWORK

35. The Commission will apply the principles set out in this Framework from 1 January 2012 until 31 December 2013. The Commission will apply those principles to all notified aid measures in respect of which it is called upon to take a decision after 31 December 2011, even where the projects were notified prior to that date.

36. In accordance with the Commission notice on the determination of the applicable rules for the assessment of unlawful State aid ⁽³⁾, the Commission will apply the principles set out in this Framework to non-notified aid granted after 31 December 2011.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ OJ L 140, 30.4.2004, p. 1.

⁽³⁾ OJ C 119, 22.5.2002, p. 22.

ANNEX

Eligible costs for innovation aid for shipbuilding

1. NEW CLASS OF VESSEL

For the construction of a new class of vessel that is eligible for innovation aid, the following costs are eligible:

- (a) costs for the concept development;
- (b) costs for the concept design;
- (c) costs for the functional design;
- (d) costs for the detailed design;
- (e) costs for studies, testing, mock-ups; and similar costs related to the development and design of the vessel;
- (f) costs for the planning of the implementation of the design;
- (g) costs for tests and trials of the product;
- (h) incremental labour and overhead costs for a new class of vessel (learning curve).

For the purposes of points (a) to (g), costs related to standard engineering design equivalent to a previous class of vessel are excluded.

For the purposes of point (h), additional production costs that are strictly necessary to validate the technological innovation can be eligible to the extent that they are limited to the minimum necessary amount. Due to the technical challenges associated with constructing a prototype, production costs of the first vessel normally exceed production costs of the subsequent sister ships. Additional production costs are defined as the difference between the labour costs and associated overhead costs for the first in a new class of vessel and the production costs of the subsequent vessels of the same series (sister ships). Labour costs include wages and social costs.

Accordingly, in exceptional and duly justified cases, a maximum of 10 % of the production costs associated with the construction of a new class of vessel can be considered as eligible costs: if those costs are necessary to validate the technical innovation. A case is considered to be duly justified if the additional production costs are estimated to exceed 3 % of the production costs of the subsequent sister ships.

2. NEW COMPONENTS OR SYSTEMS OF A VESSEL

For new components or systems that are eligible for innovation aid, the following costs are eligible to the extent that they are strictly related to the innovation:

- (a) design and development costs;
- (b) costs for the testing of the innovation part, mock-ups;
- (c) costs for material and equipment;
- (d) in exceptional cases, the costs of construction and installation of a new component or system that are necessary to validate the innovation, to the extent that they are limited to the minimum necessary amount.

3. NEW PROCESSES

For new processes that are eligible for innovation aid, the following costs are eligible to the extent that they are strictly related to the innovative process:

- (a) design and development costs;
 - (b) costs for material and equipment;
 - (c) costs for the testing of the new process, where applicable;
 - (d) costs for feasibility studies undertaken within 12 months prior to the aid application.
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COURT OF AUDITORS

Special Report No 12/2011 'Have EU measures contributed to adapting the capacity of the fishing fleets to available fishing opportunities?'

(2011/C 364/07)

The European Court of Auditors hereby informs you that Special Report No 12/2011 'Have EU measures contributed to adapting the capacity of the fishing fleets to available fishing opportunities?' has just been published.

The report can be accessed for consultation or downloading on the European Court of Auditors' website:
<http://www.eca.europa.eu>

A hard copy version of the report may be obtained free of charge on request to the Court of Auditors:

European Court of Auditors
Unit 'Audit: Production of Reports'
12, rue Alcide de Gasperi
1615 Luxembourg
LUXEMBOURG

Tel. +352 4398-1

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V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for proposals 2011 — Europe for Citizens Programme (2007-2013)**Implementation of the programme actions: Active Citizens for Europe, Active civil society in Europe and Active European Remembrance**

(2011/C 364/08)

INTRODUCTION

This call for proposals is based on Decision No 1904/2006/EC of the European Parliament and of the Council of 12 December 2006, establishing for the period 2007 to 2013 the programme Europe for Citizens to promote active European citizenship ⁽¹⁾. The detailed conditions of this call for proposals can be found in the Programme Guide for the 'Europe for Citizens' programme published on the Europa website (see point VII). The programme Guide constitutes an integral part of this call for proposals.

I. Objectives

The Europe for Citizens programme has the following specific objectives:

- bringing together people from local communities across Europe to share and exchange experiences, opinions and values, to learn from history and to build for the future;
- fostering action, debate and reflection related to European citizenship and democracy, shared values, common history and culture through cooperation within civil society organisations at European level;
- bringing Europe closer to its citizens by promoting Europe's values and achievements, while preserving the memory of its past;
- encouraging interaction between citizens and civil society organisations from all participating countries contributing to intercultural dialogue and bringing to the fore both Europe's diversity and unity, with particular attention to activities aimed at developing closer ties between citizens from Member States of the European Union as constituted on 30 April 2004 and those from Member States which have acceded since that date.

II. Eligible applicants

The Programme is open to all promoters established in one of the countries participating to the Programme and depending on the measure being:

- A public body, or
- A non-profit organisation with a legal status (legal personality)

⁽¹⁾ OJ L 378, 27.12.2006, p. 32.

Each action of the Programme is however targeting a more specific range of organisations. The eligibility of applicant organisations is therefore defined in the Programme Guide specifically for each measure/sub measure.

Countries eligible under this Programme are:

- EU Member States ⁽¹⁾
- Croatia,
- Albania,
- Former Yugoslav Republic Of Macedonia.

III. Eligible actions

The Europe for Citizens programme supports projects promoting active European citizenship.

This call covers the following actions of the Europe for Citizens programme which are supported within 2 types of grants: *project* and *operating grants*

Action 1: Active Citizens for Europe

Measure 1: Town Twinning

This measure is aimed at activities that involve or promote direct exchanges between European citizens through their participation in town-twinning activities.

Measure 1.1: Town twinning citizens' meetings (project grant)

This measure is aimed at activities that involve or promote direct exchanges between European citizens through their participation in town-twinning activities. A project must involve municipalities from at least two participating countries, of which at least one is an EU Member State. The project must have a minimum of 25 international participants coming from the invited municipalities. The maximum duration of the meeting is 21 days. The maximum grant to be awarded is EUR 25 000 per project. The minimum grant awarded is EUR 5 000.

The grants for town twinning citizens' meetings are targeted to co-finance the organisational costs of the host town and the travel expenses of the invited participants. The grant calculation is based on flat rates/lump sum.

Measure 1.2: Networks of twinned towns (project grant)

This measure supports the development of networks created on the basis of town twinning links, which are important for ensuring structured, intense and multifaceted cooperation among municipalities, and therefore for contributing to maximizing the impact of the Programme. A project must foresee at least three events. It must involve municipalities from at least four participating countries, of which at least one is an EU Member State. The project must have a minimum of 30 international participants coming from the invited municipalities. The maximum project duration is 24 months; the maximum duration of each event is 21 days.

Maximum amount eligible for a project within this measure is EUR 150 000. The minimum amount eligible is EUR 10 000. The grant calculation is based on flat rates/lump sum.

⁽¹⁾ The 27 EU Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

Measure 2: 'Citizens' projects' and 'Supportmeasures'

Measure 2.1: Citizens' projects (project grant)

This measure addresses a major challenge of the European Union today: how to bridge the gap between citizens and the European Union. It aims at exploring original and innovative methodologies capable of encouraging citizens' participation and stimulating the dialogue between European citizens and the institutions of the European Union.

A project must involve at least five participating countries, of which at least one is an EU Member State. A project must involve at least 200 participants. The maximum project duration is 12 months.

The amount of the grant will be calculated on the basis of a balanced, detailed forecast budget, expressed in euro. The grant awarded may not exceed 60 % of the total amount of the project's eligible costs. The minimum grant will be EUR 100 000. The maximum grant eligible for a project within this measure is EUR 250 000.

Measure 2.2: Support measures (project grant)

This measure aims at supporting the activities which may lead to the establishment of long-lasting partnerships and networks reaching a significant number of different stakeholders promoting active Europe citizenship, thus contributing to provide a better response to the programmes' objectives and maximizing the overall programme impact and effectiveness.

A project must involve at least two participating countries, of which at least one is an EU Member State. The maximum is 12 months. At least two events per project have to be foreseen.

The amount of the grant will be calculated on the basis of a balanced, detailed forecast budget, expressed in euro. The grant may not exceed a maximum rate of 80 % of eligible costs of the action concerned. The minimum grant eligible is EUR 30 000. The maximum grant eligible for a project within this measure is EUR 100 000.

Action 2: Active civil society in Europe

Measures 1 and 2: Structural support for European public policy research organisations and for civil society organizations at EU level (Operating grants ⁽¹⁾)

Measure 1 — Structural support for European public policy research organisations (think tanks) — aims at supporting the work of European public policy research organisations (think tanks), which are able to provide new ideas and reflections on European issues, on active citizenship at European level or on European values.

Measure 2 — Structural support for civil society organizations at EU level — will provide civil society organisations of European dimension with the capacity and stability to develop their activities at European level. The purpose is to contribute to the emergence of a structured, coherent and active civil society at European level.

The period of eligibility must correspond to the applicant's budget year, as evidenced by the organisation's certified accounts. If the applicant's budget year corresponds to the calendar year, the period of eligibility will be from 1 January to 31 December. For applicants with a budget year that differs from the calendar year, the period of eligibility will be the 12-month period from the starting date of their budget year.

The grant can be calculated following two different methods:

- (a) Flat rates/lump sum.

⁽¹⁾ This call for proposal concerns annual operating grants for the 2013 financial year.

- (b) Budget based on real costs. The amount of the grant will be calculated on the basis of a balanced, detailed forecast budget, expressed in euro. The grant may not exceed a maximum rate of 80 % of eligible costs of the action concerned.

The maximum grant is EUR 100 000.

Measure 3: Support for projects initiated by civil society organisations (project grant)

The aim of this measure is to support concrete projects promoted by civil society organisations belonging to different participating countries. These projects should raise awareness on matters of European interest and contribute to foster mutual understanding on different cultures and to identify common values through cooperation at European level.

A project must involve at least two participating countries, of which at least one is an EU Member State. The maximum duration of projects is 18 months.

The grant can be calculated following two different methods, corresponding to different approaches and to which specific rules apply:

- (a) Flat rates/lump sum.
- (b) Budget based on real costs. The grant requested in that case may not exceed 70 % of the eligible costs of the action concerned.

The maximum grant is EUR 150 000. The minimum grant eligible is EUR 10 000.

Organisations of a general European interest selected to receive an operating grant in 2012 under action 2 measures 1 and 2 are not eligible for funding under this measure in 2012.

Action 4: Active European Remembrance (project grant)

The aim of projects supported under this action is to keep alive the memory of the victims of Nazism and Stalinism and to improve the knowledge and understanding of present and future generations about what took place in the camps and other places of mass-civilian extermination, and why.

The maximum duration of project is 18 months.

The grant can be calculated following two different methods:

- (a) Flat rates/lump sum.
- (b) Budget based on real costs. The grant requested in that case may not exceed 70 % of the eligible costs of the action concerned.

The maximum grant is EUR 100 000. The minimum grant eligible is EUR 10 000.

IV. Award criteria

For project grants:

Qualitative criteria (80 % of points available):

- Relevance of the project to the objectives and priorities of the Programme (25 %)
- Quality of the project and methods proposed (25 %)

- Impact (15 %)
- Visibility and Follow-up (15 %)

Quantitative criteria (20 % of points available):

- Geographical impact (10 %)
- Target Group (10 %)

On a subsidiary basis, for the countries which are manifestly under-represented, and respecting fair treatment as regards the quality, the Commission and the executive Agency reserve the right to ensure a balanced geographical distribution of the selected projects for each action.

For operating grants:

Qualitative criteria (80 % of points available):

- Relevance to the objectives and priorities of the Europe for Citizens programme (30 %)
- Adequacy, coherence and completeness of the work programme (20 %)
- Impact of the work programme (10 %)
- European added value (10 %)
- Visibility of activities and the dissemination and exploitation of results to European citizens and other interested parties (10 %)

Quantitative criteria (20 % of points available):

- Geographical impact (10 %)
- Target group (10 %)

On a subsidiary basis, the Commission and the executive Agency reserve the right to ensure a balanced geographical distribution of the selected projects for each action.

V. Budget

Foreseen budget 2012 for the following actions

Action 1 Measure 1.1	Town twinning citizens' meetings	EUR 6 107 000
Action 1 Measure 1.2	The thematic networking of twinned towns	EUR 4 528 000
Action 1 Measure 2.1	Citizens' projects	EUR 1 308 000
Action 1 Measure 2.2	Support measures	EUR 805 000
Action 2 Measure 3	Support for projects initiated by civil society organisations	EUR 2 807 000
Action 4	Active European Remembrance	EUR 2 414 000

The implementation of this Call for Proposals is subject to the adoption of the European Union budget for the year 2012 by the budget authority.

VI. Deadlines for applications Actions

	Actions	Deadline for submission
Action 1 Measure 1.1	Town twinning citizens' meetings	1 February 1 June 1 September
Action 1 Measure 1.2	The thematic networking of twinned towns	1 February 1 September
Action 1 Measure 2.1	Citizens' projects	1 June
Action 1 Measure 2.2	Support measures	1 June
Action 2 Measure 1 & 2	Structural support for EU policy research organizations (think tanks) and for civil society organisations at EU level	15 October
Action 2 Measure 3	Support for projects initiated by civil society organisations	1 February
Action 4	Active European Remembrance	1 June

Applications must be submitted before **12.00 p.m. (mid-day Brussels time)** on the final date for applications. If the deadline for submission falls on a weekend, the 1st working day after a week-end must be considered as the day of the deadline.

Applications must be sent to the following address:

EACEA
Unit P7 Citizenship
Applications — 'Measure XXX'
Avenue du Bourget/Bourgetlaan 1 (BOUR 01/04A)
1140 Bruxelles/Brussel
BELGIQUE/BELGIË

Only proposals submitted using the official grant application electronic form (Eform) duly completed and signed by the person empowered to enter into a legal commitment on behalf of the applicant, will be considered.

Applications submitted on paper by post, by fax or directly by email will not be accepted for further evaluation.

VII. Further information

The detailed conditions for submitting projects proposals and the application forms can be found in the Europe for Citizens Programme Guide as last amended on the following websites:

http://ec.europa.eu/citizenship/index_en.html

Education, Audiovisual and Culture Executive Agency:

http://eacea.ec.europa.eu/citizenship/index_en.htm

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Notice published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case COMP/39.654 — Reuters Instrument Codes (RICs)

(notified under document C(2011) 9391)

(Text with EEA relevance)

(2011/C 364/09)

1. INTRODUCTION

(1) According to Article 9 of Council Regulation (EC) No 1/2003 of 16 December 2002⁽¹⁾, the Commission may decide — in cases where it intends to adopt a decision requiring that an infringement is brought to an end and the parties concerned offer commitments to meet the concerns expressed to them by the Commission in its preliminary assessment — to make those commitments binding on the undertakings. Such a decision may be adopted for a specified period and shall conclude that there are no longer grounds for action by the Commission. According to Article 27(4) of the same Regulation, the Commission shall publish a concise summary of the case and the main content of the commitments. Interested parties may submit their observations within the time limit fixed by the Commission.

infringement of Article 102 of the TFEU⁽³⁾. Proceedings against Thomson Reuters were opened on 30 October 2009.

(3) According to the preliminary assessment, Thomson Reuters is dominant in the worldwide market for consolidated real-time datafeeds.

(4) Thomson Reuters may have abused its dominant position by imposing on its customers restrictions as regards the use of RICs. Thomson Reuters: (a) prohibits its customers from using RICs to retrieve data from consolidated real-time datafeeds from other providers; and (b) prevents third parties from creating and maintaining mapping tables incorporating RICs that would allow the systems of Thomson Reuters' customers to interoperate with consolidated real-time datafeeds from other providers⁽⁴⁾.

2. SUMMARY OF THE CASE

(2) On 19 September 2011, the Commission adopted a preliminary assessment within the meaning of Article 9(1) of Regulation (EC) No 1/2003. The assessment related to the sector for financial information services, more particularly the market for consolidated real-time datafeeds⁽²⁾. It was addressed to Thomson Reuters Corporation and companies under its direct or indirect control, including Thomson Reuters Limited ('Thomson Reuters'). The Commission has concerns that some of Thomson Reuters' licensing practices with respect to Reuters Instrument Codes (RICs) may amount to an

(5) These restrictions appear to create substantial barriers to switching. Thomson Reuters' customers use RICs widely in their server-based applications and the staff that operates these applications has become acquainted with the RICs

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and, respectively, 102 of the TFEU. The two sets of provisions are in substance identical. For the purposes of this notice references to Articles 101 and 102 of the TFEU should be understood as references to Articles 81 and 82 of the EC Treaty when applicable.

⁽²⁾ This case specifically concerns consolidated real-time datafeeds and does not concern real-time data conveyed via desktop products.

⁽³⁾ According to Thomson Reuters, RICs are alphanumeric codes that are the retrieval mechanism created and provided by Thomson Reuters to its customers as an integral part of their Thomson Reuters financial information services to identify, navigate and retrieve a structured set of related data items from Thomson Reuters' real-time data collections and distribution network (IDN Integrated Data Network).

⁽⁴⁾ Thomson Reuters has stated that it does not prevent its customers of consolidated real-time datafeeds to cross-reference RICs with the symbology of other providers, as long as the resulting database or mapping table is not used to retrieve data from another provider. In other words, Thomson Reuters does not prohibit the creation of mapping tables as such, but it opposes the direct and indirect use of RICs to retrieve real-time data from other providers.

symbology. Due to the restrictions put in place by Thomson Reuters, where RICs have become embedded in server-based applications, switching providers involves the removal of RICs and the recoding of those applications to replace RICs with an alternative symbology. This is an arduous and often excessively costly undertaking. The Commission's preliminary view is that Thomson Reuters has, in effect, locked in its existing consolidated real-time datafeed customers who have embedded RICs in their applications. As a result, other consolidated real-time datafeed providers are not able to compete effectively with Thomson Reuters' on the market for consolidated real-time datafeeds.

3. THE MAIN CONTENT OF THE OFFERED COMMITMENTS

- (6) Thomson Reuters does not agree with the Commission's preliminary assessment. It has nevertheless offered commitments pursuant to Article 9 of Regulation (EC) No 1/2003, to meet the Commission's competition concerns. The commitments offered by Thomson Reuters ('the Commitments') are briefly summarised below. A non-confidential version of the Commitments is published in full in English on the website of the Directorate-General for Competition at: http://ec.europa.eu/competition/index_en.html
- (7) The Commitments consist in offering a licence to Thomson Reuters' existing and future RT Service⁽¹⁾ customers (an Extended RIC Licence or 'ERL'⁽²⁾), which grants them additional RIC symbology usage rights. This would allow them, against a monthly licence fee, to use RICs to retrieve real-time financial data from consolidated real-time datafeeds sourced from Thomson Reuters' competitors for the purpose of switching some or all of their server-based applications to alternative consolidated real-time datafeed providers. In addition, Thomson Reuters would provide ERL licensees with regular updates of the relevant RICs including, where applicable, the necessary information linked to the RIC (i.e. relevant trading venue, source, official code, currency and/or description).
- (8) The Commitments cover: (i) customers that will partially and/or fully switch away from Thomson Reuters' consolidated real-time datafeeds to an alternative

consolidated real-time datafeed; and (ii) customers that will subscribe to a third party consolidated real-time datafeed in addition to Thomson Reuters' RT Service (for example, as a back-up solution in the case of emergency outages or to enable the testing of the functionalities and reliability of new consolidated real-time datafeeds). In the case of a partial switch, Thomson Reuters commits not to discriminate against its customers switching to other consolidated real-time datafeed supplier(s) as regards the terms on which the Thomson Reuters' real-time consolidated datafeed is granted⁽³⁾.

- (9) The extended RIC symbology licence will be granted in perpetuity and will be made available through the Commitments for a period of five years. Thus, a customer can obtain the extended RIC symbology licence from Thomson Reuters within a five-year window, but will then be able to continue using this licence without any limitation in time, subject to payment of the relevant fee and compliance with the other terms of the licence.
- (10) The remedy would apply to all RIC symbols directly associated with the price for an individual financial instrument or a value for an index carried on Thomson Reuters' RT Service, hence inter alia to: (i) data from exchanges and multilateral trading facilities (MTFs); and (ii) most OTC-traded instruments that are not listed on exchanges or MTFs⁽⁴⁾. Only RICs related to instruments traded OTC for which Thomson Reuters sources the data from a single contributor, who is identifiable by the RIC ('single source RICs'), are excluded⁽⁵⁾.
- (11) Thomson Reuters will furthermore provide the information necessary to facilitate the ability of customers to cross-reference RICs to the symbology of other providers. The Commitments would also allow customers to turn to third party developers to develop switching tools to facilitate switching, and to authorise these third party developers to use the software they have developed for multiple clients where each of the clients has subscribed to the ERL. The third parties would however acquire no rights in the RIC symbology itself.

⁽³⁾ See clause 6.4.2 of the Commitments.

⁽⁴⁾ According to Thomson Reuters, composite RICs representing a single aggregated price from all validated contributors which identify financial instruments (aggregated contributed RICs) represent over 95 % of global liquidity and are included in the scope of the commitment.

⁽⁵⁾ According to Thomson Reuters, instruments traded OTC for which Thomson Reuters sources the data from a single source account for less than 5 % of global liquidity.

⁽¹⁾ Thomson Reuters commercialises its consolidated real-time market datafeed offer under the name Thomson Reuters' Real-time Service ('RT Service' — previously known as Reuters' Datascope Real-time Service, i.e. RDRT) for consumption in server-based applications.

⁽²⁾ See Annex II to the Commitments.

- (12) There are other types of licences that are already granted by Thomson Reuters under commercial terms and which are not included in the ERL. For example, the development of switching tools requires a development right licence from Thomson Reuters. Secondly, Thomson Reuters grants a transaction processing licence to customers wishing to use RICs as identifiers within straight through processing. This concerns for example redistribution of RICs to other parties by Thomson Reuters' customers. Thomson Reuters commits not to discriminate against either its customers switching to other consolidated real-time datafeed supplier(s) on the terms of such other licences or third parties developing software or technology that facilitates ERL licensees to switch ⁽¹⁾.
- (13) Geographically, the proposed licence is in principle limited to applications of clients which serve EEA-based business. However, applications that serve businesses elsewhere are also included if 'reasonably required' to give effect to switching for the benefit of the client's EEA-based business ⁽²⁾. Thomson Reuters has provided a set of examples of cases in which this condition is deemed to be fulfilled. The examples are integrated in the Commitments as Annex IV.
- (14) The monthly ERL licence fees that Thomson Reuters intends to charge mirror the structure of the commercial terms relating to the data it currently delivers for use in server-based applications ⁽³⁾. The fees are based on the number of RIC symbols a client wishes to licence to retrieve data from a competitor in a given business activity. The fees cover the additional usage rights in the RIC symbology and the costs of the service to be provided by Thomson Reuters to its customers under the Commitments. According to Thomson Reuters, the fee level amounts to a small proportion of the Thomson Reuters' consolidated real-time datafeed price for the same scope of licensed RICs and usage. The fee schedule also contains a minimum monthly fee of USD 750. For details on the ERL fee schedule please consult the non-confidential version of the Commitments as published on the website of the Directorate-General for Competition (Annex I).
- (16) In accordance with Article 27(4) of Regulation (EC) No 1/2003, the Commission invites interested third parties to submit their observations on the Commitments.
- (17) In addition, the Commission asks interested parties in particular to give their views on the following questions regarding the switching away by a customer of a server-based application from the Thomson Reuters' RT Service to an alternative provider of consolidated real-time datafeeds:
- (a) Does the level of fees — including the minimum fee — permit a decrease in symbology-related switching costs that is sufficient to make it viable for Thomson Reuters' customers to switch to an alternative provider if they should wish to do so? Please provide us with estimates of the following:
- (i) the ERL fees your company would need to pay in case of switching partially and/or totally away from Thomson Reuters' consolidated real-time datafeed;
- (ii) the proportion the ERL fees would represent of the initial consolidated real-time datafeed fee (in each case after applicable discounts) that your company is currently paying to Thomson Reuters: (i) 1-3 %; (ii) 4-6 %; (iii) 7-9 %; or (iv) above 10 %; and
- (iii) the fee category that would apply to your company per month for each business activity (see the fee schedule at Annex I to the Commitments).
- (b) Do you consider that regular updates of the RICs are an essential part of the ERL licence that is needed by your company to facilitate switching of consolidated real-time datafeed providers?
- (c) Do you consider that the limitation of the ERL to switching of only server-based applications (not specifically covering any use by their human operators) is sufficient to remedy the RIC-related concerns expressed by the Commission above?

4. INVITATION TO MAKE COMMENTS

- (15) The Commission intends, subject to market testing, to adopt a decision under Article 9(1) of Regulation (EC) No 1/2003 declaring the Commitments summarised above and published on the Internet, on the website of the Directorate-General for Competition, to be binding. If there are substantial changes to the Commitments, a new market test will be launched.

⁽¹⁾ See clauses 6.4 and 6.5 of the Commitments.

⁽²⁾ EEA under the Commitments includes Switzerland.

⁽³⁾ I.e. consolidated real-time datafeed under the RT Service.

- (d) The geographic scope of the Commitments is limited to server-based applications that serve business in the EEA. They include server-based applications that serve business elsewhere if 'reasonably required'. Do you consider that this is sufficient to allow EEA-based business to benefit from the Commitments and to switch provider if they wished to do so? If not, please explain why the proposed geographic scope would hamper your ability to switch provider for your EEA-based business. Please list, if applicable, further examples, in addition to those provided by Thomson Reuters in Annex IV.
- (e) According to Thomson Reuters, the RICs covered by the remedy account for 95 % of global liquidity. Thomson Reuters states that it is neither necessary nor workable to include OTC RICs that uniquely identify an individual contributor and its price within the scope of the remedy. Do you agree that this is sufficient for an effective remedy?
- (f) Please provide information on possible third parties who have the capacity and/or commercial incentive to develop switching tools to facilitate customer switching. Please also estimate, if possible, the expected magnitude of costs for customers of such a service.
- (g) Do you consider the non-discrimination provisions in the Commitments by Thomson Reuters in relation to other licences (see paragraphs 8 and 12 above) sufficient and appropriate: (i) for customers that wish to switch to another provider; and (ii) for third party developers aspiring to facilitate switching?
- (18) Answers and comments should preferably be reasoned and should set out the relevant facts. If you identify a problem with any part of the proposed Commitments, please suggest a possible solution.
- (19) The time limit to submit observations expires six weeks after the date of publication of this Notice. Interested parties are asked to submit a non-confidential version of their comments, in which commercial secrets and other confidential passages are deleted and are replaced as required by a non-confidential summary or by the words 'commercial secrets' or 'confidential'.
- (20) Observations can be sent to the Commission under reference number '**Case COMP/39.654 — RICs**' either by e-mail (COMP-GREFFE-ANTITRUST@ec.europa.eu), by fax (+32 22950128) or by post, to the following address:

European Commission
Directorate-General for Competition
Antitrust Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

OTHER ACTS

EUROPEAN COMMISSION

Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(2011/C 364/10)

This publication confers the right to object to the application pursuant to Article 7 of Council Regulation (EC) No 510/2006 ⁽¹⁾. Statements of objection must reach the Commission within six months of the date of this publication.

SUMMARY

COUNCIL REGULATION (EC) No 510/2006**'BOVŠKI SIR'****EC No: SI-PDO-0005-0423-29.10.2004****PDO (X) PGI ()**

This summary sets out the main elements of the product specification for information purposes.

1. Responsible department in the Member State:

Title: Ministrstvo RS za kmetijstvo, gozdarstvo in prehrano (Ministry of Agriculture, Forestry and Food of the Republic of Slovenia)
Address: Dunajska cesta 22
SI-1000 Ljubljana
SLOVENIJA

Tel. +386 14789000
Fax +386 14789055
E-mail: varnahrana.mkgp@gov.si

2. Applicant:

Title: Društvo rejcev drobnice Bovške (Bovec sheep and goat breeders' association)
Address: Soča 50
SI-5232 Soča
SLOVENIJA

Tel. +386 53889510
Fax —
E-mail: —
Composition: Producers/processors (X) Other ()

3. Type of product:

Class 1.3: Cheeses

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

4. **Specification:**

(Summary of requirements under Article 4(2) of Regulation (EC) No 510/2006)

4.1. *Title:*

'Bovški sir'

4.2. *Description:*

'Bovški sir' is classed as a hard full-fat cheese. It is made from raw sheep's milk from the native Bovec sheep breed, but it may also contain up to 20 % cow's or goat's milk.

The round whole cheeses are 20-26 cm in diameter and 8-12 cm in height, weighing between 2,5 and 4,5 kg. The rind is firm, smooth and even, grey-brown to pale beige in colour. The sides are slightly convex and the edges slightly rounded.

The cheese is compact, elastic, dense, breaking cleanly, brittle but not crumbly. It is of a uniform grey-beige colour, with sparse, evenly-distributed eyes the size of a lentil or small pea and occasional small holes and cracks. The texture of more mature cheeses is more compact and more brittle.

It has a distinctive full, intense, slightly piquant aroma and taste. If cow's or goat's milk has been added, the taste and aroma are a little milder.

Bovški sir contains at least 60 % dry matter and 45 % fat in the dry matter.

4.3. *Geographical area:*

The area where milk for Bovški sir and the cheese itself are produced is defined to the north and west by the national border with Italy, from Mali and Veliki Mangrt to the Učje border crossing. From the border, the perimeter of the area passes through Mali and Veliki Muzec, taking in the whole of Planina Božca to Na Vrhu, towards Hrib, through Pirovec, Krasji Vrh, Planina Zaprikraj, Zpleč as far as Lopatnik and Krn, Mali Šmohor, Bogatin, Vratca as far as Lanževica, Mala Vrata, Velika Vrata, Travnik, Malo Špičje and Kanjevec, past Triglav and Luknja to Križ, Prisojnik, Mala Mojstrovka, past Travnik to Jalovec, Kotovo Sedlo, Mali Mangart and back to the national border with Italy. The above border regions lie within the geographical area.

4.4. *Proof of origin:*

The procedures or measures indicated below are carried out in order to guarantee the traceability of Bovški sir.

Milk production: The milk must be produced in the defined geographical area. The keeping of a herd book ensures that the breed composition of the herd is appropriate. Farms also keep records of feed rations and feed purchases.

Milk collection: The milk intended for the production of Bovški sir must be collected and stored separately from other milk. Records are kept of the quantities of milk (sheep's, goat's and cow's milk) produced and purchased per day, with a breakdown by farm.

Milk processing: The producers of Bovški sir keep records of the quantities of milk processed per day and of the quantities of cheese produced per day by batch. A batch means the quantity of cheese that is made from a single coagulation of milk. If only one batch of cheese was produced on a given day, the production date of the cheese also constitutes the batch designation.

Maturing of the cheese: In order to ensure that each batch of cheese matures for at least 60 days, producers keep maturing records. The production date of the cheese is also the date on which the maturing of the cheese begins.

4.5. *Method of production:*

Bovški sir is produced from raw sheep's milk from the native Bovec sheep breed or from a mixture of sheep's, goat's and cow's milk. The proportion of goat's or cow's milk may not exceed 20 % of the total volume of milk.

The production of Bovški sir is limited to the period of the animals' lactation, which coincides with the growing cycle of the pastures where the livestock graze. The major part of the basic feed ration in the animals' lactation period is pasture, although this may also be combined with hay and silage. The basic ration must account for at least 75 % of the dry matter of the daily ration.

Matured milk, to which fresh milk may be added before coagulation, is used to produce Bovški sir. The milk is matured for at least 12 hours; this develops the native microflora and ensures that the milk has an appropriate level of acidity. In order to speed up fermentation, the use of home-made starter cultures (maturing of a small quantity of milk at quite a high temperature for at least 12 hours) or selected cultures is permitted. Before coagulation the milk is warmed to a temperature of 35-36 °C. Coagulation takes between 30 and 45 minutes. The coagulum is then broken into lumps the size of beans or peas which, after drying, become the size of grains of wheat. The curd is transferred to moulds and weighted down; pressing lasts between four and six hours.

Salting can be carried out either dry (for two days — salting and turning twice a day) or using brine (for 24 to 48 hours). After salting, each wheel is marked with the date when the maturing of the cheese began or with the batch designation. Bovški sir takes at least 60 days to mature. It is very important that the cheese is looked after (turned, wiped, cleaned) while maturing.

4.6. *Links:*

Bovški sir is a product the importance of which dates back several centuries. Archaeological findings also show that the Bovec area has been colonised for thousands of years. It is therefore presumed that cheese-making in the high Alpine pastures developed in this area three thousand years ago, at the same time as ironworking.

The first records of Bovec date back to before 1174, while the first records of cheese in this area date to the 14th century. Land registers and other records from this era indicated that cheese was worth a great deal, since farm taxes, fishing rents and so forth were calculated in quantities of cheese (Rutar, 1882).

The name Bovški sir (in Italian, Formaggio di Plezo vero) was first mentioned in a price list in the town of Videm (Udine) in 1756, which also shows that Bovški sir fetched higher prices than several other types of cheese.

Methods of pasturing, cheese-making and managing the Alpine pastures were described in the 'Pašni red' (pasture management regulations). Dr Henrik Tuma wrote an account of the Pašni red and the working day on Zapotok, an Alpine pasture above Zadnja Trenta, before World War I, which was published in the Planinski Vestnik. This shows that the way of producing Bovški sir, taking technological progress into account, is much the same today as it was centuries ago.

The high Alpine pastures and steep slopes mean that there is little space in the geographical area for intensive farming. The whole of the geographical area lies within the Natura 2000 area, and a substantial part of the geographical area is also within Triglav National Park. The geographical area is characterised by an Alpine-continental climate, partially influenced by the Mediterranean climate, which penetrates inland along the Soča river. Precipitation levels are high throughout the year (average levels for 1961-1990 in Bovec were 2 735 mm/year). Owing to the high surrounding peaks, some valleys are without sunshine for up to two months of the year. Despite the abundant rainfall, drought and high winds on the thin soil regularly reduce the grass yield, making the area best suited to rearing sheep and goats.

The sheep's milk used to produce Bovški sir comes from the native Bovec sheep breed, which developed over the centuries in the upper Soča valley and was named after the town of Bovec. The Bovec sheep breed is a distinctive dairy breed, and has a fine head structure and short ears. Down to the present day, breeding has been directed at the fundamental objective of developing adaptation to harsh grazing and rearing conditions, capacity to graze on high hill and mountain pastures, a placid temperament, longevity and resistance. The milk of Bovec sheep has a higher fat content in the dry matter than that of the remaining dairy breeds of sheep in Slovenia, which influences both the yield of cheese and its taste.

During the lactation period, dairy animals for the production of milk for Bovški sir are grazed on pastures throughout the area. Animals are grazed in the traditional way, which is at the same time the only feasible option financially. This means that the feed during the period in which they produce milk for Bovški sir is essentially fresh pasture, which contributes a great deal to the typical taste and aroma of Bovški sir. On the pasture land an exceptional diversity of flora can be found, which is associated with the altitude, climate and geological composition of the soil. The geographical area features plants which are typical of Alpine, continental and Mediterranean areas.

4.7. *Inspection body:*

Title: Bureau Veritas d.o.o.
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SI-1000 Ljubljana
SLOVENIJA

Tel. +386 14757600
Fax +386 14757601
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4.8. *Labelling:*

Cheeses which meet all the requirements of the specification are marked with the name of the producer, the 'Bovški sir' name and logo (reproduced below), the corresponding European Union logo and the national quality symbol. The percentage of goat's or cow's milk, if used, must also be indicated.

Producers may also indicate if the cheese was matured for more than a year or was produced in a mountain dairy.



PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

2011/C 364/09	Notice published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case COMP/39.654 — Reuters Instrument Codes (RICs) (<i>notified under document C(2011) 9391</i>) ⁽¹⁾	21
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OTHER ACTS

European Commission

2011/C 364/10	Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs	25
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⁽¹⁾ Text with EEA relevance

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