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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

COMMISSION NOTICE

Interpretative guidelines on Regulation (EC) No 1008/2008 of the European Parliament and of the Council — Rules on Ownership and Control of EU air carriers

(2017/C 191/01)

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1. INTRODUCTION

1. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community [1] (hereafter 'the Regulation') is the basic legal act that organises the internal market in aviation [2]. This Regulation regulates the licensing of Community air carriers, the right of Community air carriers to operate intra-Community air services and the pricing of intra-Community air services.

2. The Regulation establishes the concept of 'Community air carrier' (hereafter 'EU carrier') as the 'air carrier with a valid operating licence granted by competent licensing authority in accordance with Chapter II' (Article 2(11) of the Regulation). An EU carrier is entitled to operate any intra-EU air services (Article 15(1) of the Regulation), in particular the transport of passengers, cargo and mail without further authorisation.

[1] OJ L 293, 31.10.2008, p. 3.

[2] The Regulation is applicable to third countries where it has been incorporated into agreements concluded with the EU. At present, this is the case of the EEA Agreement (as regards Norway, Iceland and Liechtenstein) and the EU-Switzerland Air Transport Agreement (OJ L 114, of 30.4.2002). Similar agreements may be negotiated/apply in future. For the purposes of the interpretation of Article 4(f) provided in the present Guidelines, Switzerland, Norway, Iceland and Liechtenstein are to be considered as EU Member States and their nationals as nationals of EU Member States.

3. The Regulation sets the conditions for obtaining an operating licence as an EU carrier, including a nationality requirement. Article 4 of the Regulation establishes that 'An undertaking shall be granted an operating licence by the competent licensing authority of a Member State provided that: (…) (f) Member States and/or nationals of Member States own more than 50 % of the undertaking and effectively control it, whether directly or indirectly through one or more intermediate undertakings, except as provided for in an agreement with a third country to which the Community is a party;'.

4. The two elements, i.e. ownership in excess of 50 % as well as effective control, by Member States or their nationals are distinct and cumulative, i.e. both have to be met at all times.

5. Third countries and their nationals are not eligible for majority owning or effectively controlling EU carriers, unless the EU has agreed otherwise with the third country concerned, i.e. through a corresponding (in general reciprocal) relaxation of ownership and control requirements. In case a carrier is no longer (more than 50 %) owned or effectively controlled by a Member State and/or by nationals of Member States it is no longer entitled to hold a license and could thus no longer take advantage of the liberalisation of the EU's aviation market.

6. The responsibility of assessing whether the provisions on ownership and control are complied with lies in the first place with the competent licensing authority, which is the authority of a Member State entitled to grant, refuse, revoke or suspend an operating licences in accordance with Chapter II of the Regulation (Article 2(2) of the Regulation). The Commission, however, has also the possibility to carry out its own assessment on the basis of the information obtained and may take a decision to request competent licensing authority to take the appropriate corrective measures or to suspend or revoke the operating license (Article 15(3) of the Regulation).

7. Ownership and control requirements for obtaining an operating licence, based on nationality criteria, are a common feature in the international aviation sector and can be found in other legislations outside the EU. Besides, requirements of the kind are normally included in the bilateral air service agreements too as a condition to be granted traffic rights. Such requirements are nowadays primarily designed to ensure that traffic rights exchanged under such agreements will be exploited effectively for the benefit of the participating parties and will not be exercised, either directly or through subsidiaries, by undertakings ([1]) from countries that are not party to the agreement. Moreover, they prevent such undertakings from operating services wholly within a State or group of States through subsidiaries established in that State or group of States.

8. On 7 December 2015, the Commission adopted an Aviation Strategy for Europe meant to ensure that the EU Aviation sector remains competitive and reaps the benefits of a fast-changing and developing global economy and aviation market ([2]).

9. The Aviation Strategy identified the need to bring more clarity for investors and air carriers alike on the application of the Regulation with respect to the provision on ownership and control. The Commission, in line with the wish expressed by the Member States and other stakeholders on several occasions, decided to adopt interpretative guidelines on the application of this provision.

10. Over the last years, the Commission has conducted several enquiries into cases where a third country (i.e. non-EU) investor acquired a significant stake in an EU carrier, with a view to determining compliance with the requirements of Article 4(f) of the Regulation.

11. The Commission has only adopted one formal decision on the compliance with the provisions on ownership and control following the investment of Swiss Air in Sabena (hereinafter 'Swissair/Sabena decision' ([3])). This decision was adopted on the basis of Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers ([4]) (hereafter 'Regulation 2407/92'), the predecessor to the Regulation. The Commission found that under the terms of the agreement between the Belgian State and Swissair, Sabena complied with the requirements on ownership and control established in Regulation 2407/92. The Commission considered that the criteria of ownership and effective control must be interpreted and applied in the overall context of Regulation 2407/92. In particular, each and every individual case must be assessed in the light of the objective of safeguarding the interests of the Union's air transport industry which implies, in particular, that companies from third countries must not be allowed to take full advantage, on a unilateral basis, of the Union's liberalised internal air transport market. In other words, such companies may benefit from the internal market, by way of participation in an EU carrier, only within the ownership and control limits set out in the Regulation.

([1]) Throughout the present Guidelines, the Commission will use the term 'undertakings' within the meaning defined in Article 2(3) of the Regulation.

([2]) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2015) 598 final of 7.12.2015.

([3]) Commission Decision 95/404/EC of 19 July 1995 on a procedure relating to the application of Council Regulation (EEC) No 2407/92 (Swissair/Sabena) (OJ L 239, 7.10.1995, p. 19).

([4]) OJ L 240, 24.8.1992, p. 1.

12. Further, the Commission stated 'that any evaluation of the consequences of a substantial investment by a third-country air carrier in a Community carrier should also take into account the broader context in which that investment is taking place and, in particular, the Community's aviation relations with the third country in question' ([1]). In that particular case the broader context was marked by the ongoing negotiations between the Community and Switzerland in order to lift the existing restrictions on ownership and control on a reciprocal basis. In view of this broader context, the Commission considered that the agreements between the Belgian State and Swissair 'appear essentially to be of a transitional nature' ([2]).

13. The purpose of these guidelines is to provide guidance for the assessment of the compliance of an undertaking applying for or holding an operating licence with the Regulation's provision on ownership and control, based on the experience gained by the Commission in its assessments of cases over the past years. It also takes into account the analysis carried out in the Swissair/Sabena decision, as well as best practices developed by the competent licensing authorities at national level. These guidelines set out how the Commission understands the Regulation on this point and how it considers it should be applied. They are not intended to create new legal obligations and are without prejudice to the competence of the Court of Justice of the EU for its binding interpretation.

2. **THE PROCEDURAL ASPECTS**

14. Chapter II of the Regulation contains provisions on the operating licence. Article 3(2) of the Regulation provides that 'the competent licensing authority shall not grant or maintain an operating licence where any of the requirements of this Chapter are not complied with'. Ownership and effective control by Member States or their nationals form part, among others, of the requirements that must be met for obtaining and maintaining the licence. The responsibility for assessing whether this requirement (both component parts) is met lies primarily with the competent licensing authority which grants the operating licence to the air carrier.

15. According to Article 8(2) of the Regulation 'the competent licensing authority shall closely monitor compliance with the requirements of this Chapter'. According to Article 8(7) of the Regulation 'in relation to Community carriers licensed by it the competent licensing authority shall decide whether the operating licence shall be resubmitted for approval in case of change in one or more elements affecting the legal situation or a Community air carrier and, in particular, in the case of a merger or takeover'. In accordance with Article 8(5) EU air carriers are to notify in advance these changes to the competent licensing authority.

16. A competent licensing authority might be confronted with a request for a licence (or the scrutiny of an existing license) in circumstances in which another undertaking, belonging to the same group as the undertaking concerned by the case, already holds an operating license, issued by another competent licensing authority. The authority dealing with such a case should take due account of the assessment conducted by the other authority, in particular where the relevant ownership structure is the same. However, it remains obliged to itself assess the merits of the case, in accordance with the provisions of Chapter II of the Regulation. As a matter of good practice, an authority that has certain doubts or questions in respect of the previous assessment should contact the other authority involved in order to obtain more information or discuss the matter

17. As regards possible scrutiny by the Commission, reference is made to Articles 15(3) and 26(2) of the Regulation.

18. According to Article 15(3) 'If the Commission […] finds that the operating licence granted to a Community air carrier is not in compliance with the requirements of this Regulation it shall forward its findings to the competent licensing authority which shall send its comments to the Commission within 15 working days.

    If the Commission, after examining the comments of the competent licensing authority, maintains that the operating licence is not compliant, or no comments have been received from the competent licensing authority, it shall, in accordance with the procedure referred to in Article 25(2), take a decision, to request the competent licensing authority to take the appropriate corrective measures or to suspend or revoke the operating licence. The decision shall set a date by which the corrective measure or actions by the competent licensing authority shall be implemented. If the corrective measures or actions have not been implemented by that date the Community air carrier concerned shall not be entitled to […] [operate intra-EU air services]'.

19. Article 26(2) of the Regulation provides that 'the Commission may obtain all necessary information from Member States, which shall also facilitate the provision of information by air carriers licensed by their competent licensing authorities'.

([1]) See point XI, p. 27 of Swiss/Sabena decision.
([2]) Swissair/Sabena decision, point XI.

3. BURDEN OF PROOF

20. As the second subparagraph of Article 8(1) makes clear, undertakings that request the issuance of a license bear the burden of proving compliance with Article 4(f) and the other requirements of the Regulation. The same applies where, after the licence has been issued, the competent licencing authority has reasons to verify whether those requirements continue to be fulfilled.

21. It is up to the interested undertaking to make sure that sufficient proof is made available to the competent licensing authority. In this context, it needs to be borne in mind that Article 10(1) compels that authority to 'take a decision on an application as soon as possible, and not later than three months after all the necessary information has been submitted, taking into account all available evidence'. This means that, without prejudice to the authority's duty to conduct the procedure in good faith, an undertaking has every interest in submitting evidence available to it as soon as possible, failing which it may have its request for a license rejected.

4. NATIONALITY

22. Only natural persons can have the nationality of a Member State. In the case of an undertaking which it is owned and/or effectively controlled partially or fully by one or more intermediate entities that are not natural persons, the Commission considers that the nationality requirement of Article 4(f) of the Regulation is to be understood as relating to the natural persons who own and/or effectively control those entities at the final level of the ownership and control line.

23. The Regulation establishes in Article 4(f) that '[…] nationals of Member States [shall] own more than 50 % of the undertaking and effectively controls it […]'.

24. Certain difficulties may arise when the persons concerned have more than one nationality and the nationality of a Member State is not from origin. It is in principle for each Member State to lay down the conditions for the acquisition and loss of its nationality. However, as confirmed in settled case-law of the Court of Justice of the EU ([1]), when exercising their competence in the area of nationality, Member States must have due regard to Union law. In other words, the conditions and procedures for obtaining and forfeiting citizenship of the Member States are regulated by the national law of the individual Member States, subject to respect for Union law.

25. Member States are to use their prerogative to award nationality in the spirit of sincere cooperation with other Member States and the EU (Article 4(3) TEU). Account should be taken of the norms and obligations by which they are bound under international law and the criteria upon which Member States traditionally build their nationality laws. These principles require in particular the existence of a genuine connection between the applicant and the country or its nationals.

5. OWNERSHIP

5.1. General approach

26. As regards the ownership, Article 4(f) of the Regulation provides that an undertaking shall be granted an operating licence by the competent licensing authority, provided that 'Member States and/or nationals of Member States own more than 50 % of the undertaking'.

27. The Commission considers that this ownership requirement is complied with if at least 50 % plus one share of the capital of the undertaking concerned is owned by Member States and/or nationals of Member States.

28. In this context the Commission understands capital as the equity capital of an undertaking. It is thus crucial for the assessment of compliance with the ownership requirement to establish which capital of the undertaking qualifies as equity capital.

29. In the Sabena/Swissair decision the Commission held that the question whether a particular type of capital qualifies as equity capital can only be answered on a case-by-case basis in the light of all relevant circumstances. If, however, capital does not confer upon its holders any of the following two rights to an appreciable extent, it must generally be disregarded in determining the ownership situation of an undertaking under Article 4(f):

(a) the right to participate in decisions affecting the operations of the undertaking; and

(b) the right to obtain a share of the residual profits or, in the event of liquidation, in the residual assets of the undertaking after all other obligations have been met (in other words, the shares reflect the risk and rewards of normal business).

([1]) Case C-135/08, 2.3.2010, Rottmann, paragraphs 39, 45, 48.

30. While the competent licensing authority should always analyse in detail complex structures, the Commission considers that a detailed analysis is in particular required when the following issues arise:

(a) existence of different classes of shares with different values and characteristics exist;

(b) existence of warrants or options that risk rendering ineffective the 'equity capital' attributes of a class of shares ([1]);

(c) existence of institutional investors where the final beneficial owner, in line with paragraph 44, cannot be readily identified.

31. As emerges from paragraph 22 above, the Commission considers that the ownership in an undertaking, the shares in which are owned by another entity (other than a natural person; hereafter the 'intermediate entity'), must be assessed in light of the nationality of the persons (or the identity of the States) holding the shares in that other entity.

32. In this context, the considerations set out in paragraphs 22-24 above apply, in the same way, in respect of shares held in the intermediate entity.

33. Specific problems may arise where both the stake held by EU shareholders in the intermediate entity and the stake held by the latter in the air carrier represent less than 100 % of the respective shares.

34. The following case may serve as an example: EU shareholders own 55 % of company A (the rest being owned by third countries or third country nationals; hereinafter: third country shareholders), and company A in turn owns 60 % of carrier B, the remaining 40 % shareholding in carrier B being owned by third country shareholders.

35. Here, the question is whether EU shareholders 'own more than 50 % of the undertaking'.

36. As explained in paragraph 28 above, 'ownership' translates into rights to participate in decisions affecting the operations of the undertaking, as well as pecuniary rights, namely to obtain a share of the residual profits or, in the event of liquidation, in the residual assets of the undertaking after all other obligations have been met.

37. As regards the right to participate in decisions affecting the operations of the undertaking, a situation such as the one described above should normally be considered compliant with Article 4(f) of the Regulation, assuming that all shares involved carry the same voting rights and that no specific arrangements prevent the EU shareholders from controlling the votes company A exercises in respect of B, thanks to its majority shareholding.

38. Insofar as pecuniary rights are concerned, account should be taken of the fact that, even where the relevant stake in the carrier is held directly by EU shareholders, and not via an intermediate entity, such rights may be subject to specific internal arrangements. Those may include privileges of third country shareholders compared to EU-shareholders. As explained in Swissair/Sabena, such situations do not necessary disqualify under Article 4(f) of the Regulation, provided that the (pecuniary) rights in question lie with the EU shareholder 'to an appreciable extent'.

39. The same principles should apply where pecuniary rights are affected by the fact that the participation of the EU shareholders in the carrier passes through an intermediate entity and that the participation at each stage represents less than 100 % of the share capital.

40. Should, in the above example, profits distributed by the carrier B and proceeds from the residual assets in case of B's liquidation accrue to EU shareholders in the proportion to the diluted shares (where all the shares in company A and in the carrier B are of the same class), the pecuniary rights may still be considered sufficient for the purposes of Article 4(f) of the Regulation.

41. Cases of the like should however be considered individually, taking account of all circumstances, and in particular all the arrangements affecting the relevant rights and obligations.

42. In order for the above assessment to be carried out, licence holders or applicants should provide evidence to the licensing authority on the rights attached to different classes of shares as well as on the final beneficial owner of the shares.

([1]) The existence of options or warrants that may alter the balance of shareholdings at some point in the future will not be relevant to the issue of ownership in the present. However, there may be certain complex structures where the existence of options will risk rendering ineffective the 'equity capital' attributes of a class of shares. These will merit close examination. In any event, options may be an immediate issue in relation to control if their existence confers on a minority shareholder an ability to impose its demands on the undertaking.

5.2. **Ownership issues in publicly quoted undertakings and institutional investments**

43. Particular challenges for the assessment of the ownership requirement could arise in relation to undertakings which are publicly quoted on the stock market or owned by investment institutions, as shareholdings may vary from day to day and there may be several stages of ownership. The undertaking should at every stage be able to demonstrate that the majority of shares are owned by EU shareholders.

44. Where shares are held by a nominee, trust, fund or any other institutional investors, the ownership requirement may be satisfied where the nominee or trustee or other registered owner is a Member State or a national of a Member State. Account should however be taken of all elements that may point to a different person being the owner from an economic point of view, i.e. the final beneficiary of the rights referred to above. This will in particular depend upon the agreements or other arrangements committing such institutional investors.

6. **EFFECTIVE CONTROL**

6.1. **General approach**

45. Article 4(f) of the Regulation stipulates that an undertaking shall be granted an operating licence by the competent licensing authority provided that 'Member States and/or nationals of Member States […] effectively control' the undertaking.

46. The notion of effective control is defined in Article 2(9) of the Regulation as:

'a relationship constituted by rights, contracts or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of directly or indirectly exercising a decisive influence on an undertaking, in particular by:

(a) the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer a decisive influence on the composition, voting or decisions of the bodies of an undertaking or otherwise confer a decisive influence on the running of the business of the undertaking;'.

47. As explained in the Swissair/Sabena decision, this provision requires an assessment of the position of Member States and/or their nationals in respect of whether, on balance, they have a decisive influence over the management of the undertaking concerned in a way that goes beyond the influence of the third country shareholders. This analysis is informed by the possibilities available to the EU shareholder to positively influence strategic business decisions of the undertaking.

48. Strategic business decisions pertain notably to the appointment of senior management, the adoption of the budget and/or of the business plan and regarding major investments or market-specific rights.

49. In this context, one would first have to identify where such decisions are taken, and on which terms. This implies an analysis of the undertaking's corporate governance, to be conducted in an overall view of the functioning of the undertaking.

50. In a second step, other issues capable of influencing the decision-making on important strategic business matters should be considered. These issues include shareholder rights, financial links and commercial cooperation between the undertaking and any third country shareholder. More detailed guidance on these assessment criteria will be provided below. However, it is impossible to draw up an exhaustive list of elements potentially relevant to the analysis in a given case. Therefore, elements other than those mentioned here may be relevant too, depending on the circumstances of the case at hand.

51. As explained in the Swissair/Sabena decision, effective control has to be exercised by Member States or their nationals exclusively. This would obviously not be the case where Member States or their nationals merely have veto rights and no rights that allow them to positively influence the management of the undertaking concerned.

52. A number of factors may contribute to allowing positive influence by EU shareholders, such as initiative powers or mechanisms of early or privileged access to information within the undertaking.

53. The general principles outlined above must be applied having regard to all the considerations of fact or law involved. Each and every individual case must be assessed on its own merits.

54. Cases in which an analysis of Article 4(f) of the Regulation is needed often also involve the application of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings [1] ('Merger Regulation'), having regard to the terms of the latter Regulation. Since the definitions of control in the respective Regulations present certain similarities, it appears useful to add the following clarifications.

55. First, it is important to note that, in respect of the EU shareholder, 'joint control' for the purposes of the Merger Regulation and 'effective control' within the meaning of the Regulation are not mutually exclusive, as emerges from the Swissair/Sabena decision.

56. Secondly, the control requirement of Article 4(f) of the Regulation is not met where the third country shareholder detains sole control over the undertaking [2]. In such case, the undertaking cannot, by definition, be effectively controlled by EU shareholders within the meaning of the Regulation.

57. Since the issues raised by the Merger Regulation, on the one hand, and the ownership and control requirement of the Regulation, on the other hand, present a number of similarities, notwithstanding the differences between the two regimes, the Commission assesses, where relevant, the cases in parallel under both regimes. To this end, the Commission services in charge will of course cooperate closely.

6.2. **Assessment criteria**

58. No guidance can anticipate upon all possible constellations of control of an undertaking, having regard also to the differences between national rules on corporate governance. Any assessment has to be done on a case-by-case basis, looking at the legal and factual position in each individual case.

59. Against this background, the present guidelines provide some general principles for the assessment and highlights certain issues that may give rise to concerns, requiring a more detailed analysis against the criterion of effective control [3].

6.2.1. *Corporate governance*

60. The first step in the assessment of effective control consists in analysing the corporate governance of the undertaking. Corporate governance in this context means the processes and procedures through which the undertaking adopts decisions relevant for the conduct of its business.

61. The analysis of corporate governance should consider both the legal and the factual elements at hand.

62. The analysis should identify the decision-making bodies of the undertaking, their competences and their composition, relevant rules regarding nomination, election, remuneration and dismissal, the nature of the decisions they take, their decision-making procedures, including quorum requirements and voting rules (majorities, consensus), any prerogatives accorded to other bodies (regarding, for example, proposals, nominations, consultation, binding or non-binding opinions, recommendations, consent).

63. This mapping should cover all decision-making bodies, in particular the assembly of shareholders, the executive body (e.g. Board of Directors, Management Board), the controlling bodies (e.g. Supervisory Board), key personnel (management staff entitled to adopt decisions relevant for the conduct of the business) and internal committees (advisory or not).

64. The analysis should evaluate how Member States and/or their nationals are represented in the decision-making bodies and how their rights available in this context allow them to determine the strategic decisions, having regard to the procedure under which they are to be adopted. In this context, the analysis should also look at the quorum required for decision-making.

65. In respect of decision-making, the analysis of veto rights of any third country shareholders is of particular importance. Extensive veto rights for those shareholders on matters important for the running of the business might impact the EU shareholders' ability to exercise effective control over the undertaking. A closer global assessment of the respective rights of the EU and third country shareholders would thus have to be conducted on a case-by-case basis.

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[1] OJ L 24, 29.1.2004, p. 1.

[2] This situation arises where, within the meaning of Article 3(1)(b) of the Merger Regulation, only 'one' person acquires control over the undertaking.

[3] For the assessment of joint control under the Merger Regulation, the provisions of the Commission Consolidated Jurisdictional Notice (OJ C 95, 16.4.2008, p. 1) are relevant.

66. The ability of a given shareholder to veto certain decisions does not necessarily imply that effective control lies with this shareholder. It should be verified whether these veto rights affect only certain decisions of limited importance, or rather the main strategic decisions. The question is whether, in an overall assessment of the various shareholders' rights, the Member States or their nationals have decisive influence over strategic business decisions, as explained in point 47 above. Such an overall assessment, based on multiple factors, should be done on a case by case basis.

67. A third country shareholder can have veto rights without this necessarily leading to the loss of effective control of the EU shareholder.

68. One possible scenario is where veto rights of third country shareholders are necessary and proportionate to the objective of protecting the value of the minority investment. Typically, such veto right will relate to amendments to the articles of association or a similar constitutive document, an increase or reduction of capital, an issuance of bonds convertible in shares, a change of rights attached to shares, to listing or public offering, to a distribution of dividends, to a cessation of business or a substantial change of business, to decisions on merger, demerger or liquidation. As such, this does not imply that the EU shareholders do not detain effective control.

69. A more in-depth assessment may have to be conducted where veto rights of the third country shareholders concern other matters, in particular decisions likely to significantly influence or to block the conduct of the undertaking's business, such as asset acquisitions, investments, an extension or acceptance of financial instruments like guarantees or loans, contracts, business transactions with persons affiliated to the undertaking or one of the shareholders.

70. Elements that may give rise to such an in-depth assessment, depending on the object of the decision to be taken, are for example: casting votes, decisions subject to consensus, a right of the third country shareholders to nominate persons for certain (important) positions, a requirement that (important) decisions be preceded by proposals or recommendations by those shareholders, stipulations whereby, at the request of those shareholders, no vote takes place, 'vote en bloc', etc.

71. As regards decisions taken in the shareholder meetings of the undertaking, the shareholder structure, attendance of the shareholder meetings and voting patterns in these meetings may have to be taken into account. In cases where the ownership of the undertaking is widely spread and a single third country shareholder is one of the largest shareholders, that shareholder might be in a position to have its proposals voted, even with a share significantly below 50 %. The attendance rate of Member States' shareholders at the shareholder meetings and the voting patterns of those shareholders may therefore need be assessed, in order to determine whether, de facto, they effectively control the undertaking.

72. In particular, a stake in an undertaking held by a third country or a third country national of more than 30 % may, as a general rule, require an in-depth assessment by the competent licensing authority. In cases where the ownership of the undertaking is widely spread and a single third country shareholder is one of the largest shareholders, a lower stake might also require an assessment.

73. Whether persons occupying key positions within the undertaking have links to the third country shareholder may be relevant, too, in this context. The same is not true for the nationality of these persons, however. Their nationality has no own indicative value for the purposes of determining whether the undertaking is effectively controlled by Member States and/or their nationals, all the less in a global industry such as aviation. Relevant can only be whether Member States and/or their nationals are in control of the processes leading to the adoption of important decisions, among which may be the appointment or dismissal of key personnel.

6.2.2. *Shareholders' rights*

74. An assessment of the shareholders' rights in the context of the assessment of effective control is necessary, because extensive shareholders' rights held by third country shareholders could lead, de facto, to a situation where the latter, rather than the EU shareholder(s), effectively control the undertaking, possibly via the influence that the former exert on the latter. This may for example concern the ability to obtain concessions on matters which, on their face, and having regard to the corporate governance agreed upon, appear to be controlled by the EU shareholder(s).

75. Some examples of shareholders' rights that generally deserve closer scrutiny are described below.

6.2.2.1. Right to veto a transfer of shares

76. A right of a third country shareholder to veto the transfer of shares held by a Member State shareholder in the undertaking should be examined in detail. It is common that, following the investment by a third country shareholder, there is a period where a transfer of shares by either party is not permitted or is conditional upon the agreement of the other party. As long as this period does not exceed the usual practices of the sector, it can normally be seen as a safeguard for the stability of the investment and hence as not affecting the position in terms of effective control. Even in such cases, however, specific circumstances may require closer scrutiny. In particular, where the limitation applies only in favour of the third country shareholder, this may indicate an imbalance, in the sense that the EU shareholders may depend to an important extent on him, whereas the opposite may not be true.

6.2.2.2. Pre-emption rights

77. A pre-emption right is a right under which an existing shareholder is given the first option in case the other shareholder wants to sell its shares. Pre-emption rights are common business practice and, if they do not go beyond what is necessary to protect shareholders' investment, do not raise any particular issues with respect of effective control. However, some forms of pre-emption rights might have an effect similar to a veto right regarding the transfer of shares. This is likely to be the case where the third country shareholder has the right to fix the sales price for the shares in question.

6.2.2.3. Right of the third country shareholder to sell its shares

78. In order to protect the value of their investment and to protect their influence in the undertaking against dilution, minority shareholders frequently negotiate some form of a put option. Such a put option gives the minority shareholder concerned the right to sell its shares back to the undertaking (the air carrier) or to sell them to the other shareholders upon the occurrence of a specified event at a specified price. Should this be the case, such pre-emption rights would have to be taken into account in the overall assessment of effective control.

79. Where such put option is conferred upon a third country shareholder, this may impact effective control by the EU shareholder(s), as the exit of the former could financially and commercially destabilise the undertaking. This could create a situation in which the third country shareholder has leverage over the EU shareholder(s) to an extent that the latter fails to detain effective control.

80. The impact of the put option will depend on the applicable conditions which should therefore be carefully scrutinised. A very far-reaching put option allowing the third country shareholder to call on it in a large number of events, may enable the latter to obtain concessions from the undertaking or the remaining shareholders on matters that the third country shareholder normally cannot decide or veto. No particular issues arise where the put option is limited to what is necessary and proportionate to protect the third country shareholder against dilution of its shares, whereas other cases require closer scrutiny.

6.2.2.4. Right to purchase additional shares

81. Call options or conversion options enable the third country shareholder to either buy more shares in the undertaking or to convert debt or quasi-equity into shares. Any additional voting or other rights that that such shareholder would acquire as a result of the exercise of a call option or of a conversion option should be scrutinised in terms of their potential impact on effective control of the undertaking.

6.2.2.5. Conditions for the investment

82. If a third country shareholder makes its investment subject to conditions, these may need to be scrutinised in detail in terms of their impact on effective control. While no particular issues arise as long as the conditions are necessary and proportionate to the protection of the value of the investment, other conditions may require more in-depth scrutiny.

83. With regard to conditions related to regulatory clearance or other matters that can be considered as falling within the remit of public policy, they will normally not have an impact on effective control.

84. Conditions imposed by the third country shareholder related to the undertaking's financial matters, such as auditing of the annual accounts, solvency, debt-restructuring or consultation on key matters prior to the finalisation of the investment, should normally not have an impact on effective control, as they concern the financial situation of the undertaking before the investment takes place and thus the value of the investment for the third country shareholder.

85. Investment conditions related, in particular, to the business plan of the undertaking, to the appointment of key personnel or to the conclusion of a cooperation agreement might entirely or partially limit, *de jure* or *de facto*, the powers of the decision-making bodies of the undertaking. The conditions imposed should be taken into account in the overall assessment of the effective control. There may be cases in which important strategic decisions are imposed by the third country shareholder as conditions for its investment, in such a manner that on-going influence within the undertaking's decision-making bodies, as available to EU shareholders in accordance with the agreements made, becomes deprived of practical effect. This issue has to be considered in the overall context, in light in particular of the precise means and procedures through which the EU shareholder is entitled to exercise its influence within the undertaking.

6.2.3. *Financial links between the undertaking and the third country shareholder*

86. The question whether the financial contribution of the third country shareholder results in absence of effective control by Member States' shareholders has to be assessed in light of the financial dependence such contribution implies in the concrete case. Such dependence may mean that the latter is de facto deprived, in whole or in part, of the capability to influence the operation of the undertaking via its decision-making bodies. Typical to such situations are cases in which, due to the dependence of the undertaking from financing provided or maintained by the third country shareholder, the latter is in a position to obtain concessions in strategic areas, even though, legally, the Member States' shareholder would have the means to refuse such concession.

87. To assess the degree of financial dependence, it should first be determined whether the third country shareholder contributed to the financing of the undertaking in proportion to its shareholding ([1]). In that case, and unless specific circumstances prevail, it could be considered that the third country shareholder did not gain influence on the operations of the undertaking beyond what is inherent in the rights it holds in respect of the operation of the undertaking, as a consequence of the shares acquired and the agreements made.

88. In this assessment, the level of contribution of the third country shareholder should be compared to the contribution of other shareholders and of sources external to the undertaking. All modes of financing, in the widest sense, should be taken into account, such as capital increase, loans, guarantees, bonds, debt waivers, bails ([2]) and grants. Not only contributions following the investment by the third country shareholder should be taken into account, but also contributions that existing shareholders and external sources provided in preparation for the sale of shares in the undertaking (the sale that resulted in the entry of the third country shareholder).

89. If the third country shareholder contributed to the financing of the undertaking in excess of what corresponds to its shareholding, this would need to be taken into account in the overall assessment.

6.2.4. *Commercial cooperation*

90. Commercial cooperation may consist in an operational cooperation between two undertakings (air carriers), such as code-sharing, or may take the form of a joint venture or the purchase and sale of goods and services between the third country shareholder and the undertaking.

91. To the extent the undertaking is dependent on such cooperation with the third country shareholder, the latter will gain corresponding influence over the former. Therefore, where such cooperation exists, it must be assessed whether the ensuing dependence is such that the EU shareholder can be forced to support strategic decisions by the third country partner.

92. Some cooperation agreements could contain specific decision-making processes through which the two undertakings take decisions concerning this cooperation, in particular in the case of joint ventures.

93. In case the commercial cooperation constitutes a condition for the investment of the third country shareholder, this conditionality should be assessed in light of the considerations set out above.

94. If terminating or breaching the commercial cooperation agreement can trigger the exit of the third country shareholder, such a shareholder right should equally be assessed as described above.

([1]) E.g. an undertaking having a total share capital of EUR 100 million, of which EU shareholders hold a stake of EUR 60 million and third country shareholders a stake of EUR 40 million. The EU shareholders have provided to the undertaking a long-term loan at market conditions of EUR 6 million, which corresponds to 10 % of their equity stake. In order to maintain a balance of the financial links, the third country shareholders therefore may only contribute a maximum additional funding (beyond their capital/equity stake) of 10 % of their equity stake (i.e. EUR 4 million).

([2]) E.g. an investor issuing a guarantee to a bank and the bank therefore is willing to grant a loan.

7. MONITORING AND POSSIBLE MEASURES EFFECTIVE CONTROL

95. As regards monitoring of compliance by the undertakings, the minimum legal duties of competent licensing authorities are set out in Article 8(2) of the Regulation. Beyond those duties, the authorities may find it appropriate to verify the situation in terms of shareholdings more frequently, e.g. on a monthly or trimestral basis or even at shorter intervals, depending on the third country shareholding proportion.

96. In this context, undertakings which are publicly quoted on the stock market or owned by investment institutions, in particular, must ensure that there is sufficient information available for the competent licensing authority to be satisfied that they comply with the requirement of Article 4(f) of the Regulation. To this end, undertakings may wish to keep track, in as far as possible, of shares being purchased and sold. Provisions could be included in the undertakings' articles of association or Statutes which permit the directors to control the nationality of shareholders, and to require nationality declarations by significant shareholders.

97. The third country shareholder is responsible for making available to the competent licensing authority all the information requested during the assessment of the licence to prove that the requirements of Article 4(f) of the Regulation are met (cf. Section 3 above).

98. The competent licensing authority must ensure confidentiality of all business secrets received during the assessment.

99. As far as 'effective control' is concerned more particularly, the following additional considerations apply.

100. In the course of its activities, the competent licensing authority might come to the conclusion that certain elements detected do not entail the loss of effective control by Member States or their nationals but that possible future developments related to these elements could lead to that consequence. In those cases, the competent licensing authority may have to monitor, in the context of its regular scrutiny, i.e. of compliance of the undertaking concerned with the requirements of the Regulation, the evolution in particular of these elements. The aim is for that authority to become aware as soon as possible of any situation in which the EU shareholder(s) no longer detain(s) effective control and the requirements of the Regulation would therefore no longer be met.

101. Where the competent licensing authority has certain doubts of this kind, it would need to follow them up. Where they cannot be dispelled otherwise, the authority would need to bring them to the attention of the undertaking concerned.

102. If as a result the undertaking concerned decides to enact certain changes, with respect to its corporate governance or other relevant aspects a notification or re-notification under the Merger Regulation may become necessary in accordance with the provisions of that Regulation.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

COUNCIL DECISION

of 12 June 2017

appointing the Vice-President of the Community Plant Variety Office

(2017/C 191/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights [1], and in particular Article 43(3) thereof,

Whereas:

(1) By Decision of 19 March 2012 [2], the Council renewed the term of office of Mr Carlos PEREIRA GODINHO as Vice-President of the Community Plant Variety Office (the 'Office').

(2) The term of office of Mr Carlos PEREIRA GODINHO expired on 31 March 2017.

(3) On 12 April 2017, after obtaining the opinion of the Administrative Council of the Office, the Commission proposed Mr Francesco MATTINA as a single candidate for the post of Vice-President of the Office,

HAS ADOPTED THIS DECISION:

Article 1

1. Mr Francesco MATTINA is hereby appointed Vice-President of the Community Plant Variety Office (the 'Office') for a period of 5 years.

2. The term of office of Mr Francesco MATTINA shall run from the date on which he takes up his duties. This date shall be agreed between the President and the Administrative Council of the Office.

Article 2

The Chairperson of the Administrative Council of the Office shall be empowered to sign the contract of employment with Mr Francesco MATTINA.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 12 June 2017.

For the Council
The President
C. CAMILLERI

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[1] OJ L 227, 1.9.1994, p. 1.
[2] Council Decision of 19 March 2012 renewing the term of office of the Vice-President of the Community Plant Variety Office (OJ C 82, 21.3.2012, p. 6).

EUROPEAN COMMISSION

Euro exchange rates [1]

15 June 2017

(2017/C 191/03)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,1166	CAD	Canadian dollar	1,4826
JPY	Japanese yen	122,95	HKD	Hong Kong dollar	8,7118
DKK	Danish krone	7,4360	NZD	New Zealand dollar	1,5505
GBP	Pound sterling	0,87640	SGD	Singapore dollar	1,5444
SEK	Swedish krona	9,7278	KRW	South Korean won	1 263,07
CHF	Swiss franc	1,0874	ZAR	South African rand	14,3723
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,5985
NOK	Norwegian krone	9,4718	HRK	Croatian kuna	7,4050
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	14 871,15
CZK	Czech koruna	26,213	MYR	Malaysian ringgit	4,7651
HUF	Hungarian forint	307,79	PHP	Philippine peso	55,657
PLN	Polish zloty	4,2122	RUB	Russian rouble	64,3175
RON	Romanian leu	4,5893	THB	Thai baht	37,953
TRY	Turkish lira	3,9266	BRL	Brazilian real	3,6559
AUD	Australian dollar	1,4722	MXN	Mexican peso	20,1825
			INR	Indian rupee	72,1420

[1] *Source*: reference exchange rate published by the ECB.

AUTHORITY FOR EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS

Decision of the Authority for European political parties and European political foundations

of 4 May 2017

to register Alliance of Liberals and Democrats for Europe Party as a European political party

(Only the English text is authentic)

(2017/C 191/04)

THE AUTHORITY FOR EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations ([1]), in particular Article 9 thereof,

Having regard to the application received from Alliance of Liberals and Democrats for Europe Party,

Whereas:

(1) The Authority for European political parties and European political foundations (the 'Authority') received an application for registration as a European political party under Article 8(1) of Regulation (EU, Euratom) No 1141/2014 from Alliance of Liberals and Democrats for Europe Party (the 'applicant') on 20 March 2017 and a submission supplementing that application on 25 April 2017,

(2) The applicant submitted documents proving that it satisfies the conditions laid down in Article 3 of Regulation (EU, Euratom) No 1141/2014, the declaration in the form set out in the Annex to that Regulation, and the statutes of the applicant, containing the provisions required by Article 4 of that Regulation,

(3) The application is further supported by a statement by notary Gérard Indekeu pursuant to Article 15(2) of Regulation (EU, Euratom) No 1141/2014 - certifying that the applicant has its seat in Belgium and that the applicant's statutes are in conformity with the relevant provisions of national law,

(4) The applicant submitted additional documents in accordance with Articles 1 and 2 of Commission Delegated Regulation (EU, Euratom) 2015/2401 ([2]),

(5) Pursuant to Article 9 of Regulation (EU, Euratom) No 1141/2014, the Authority has examined the application and supporting documentation submitted, and considers that the applicant satisfies the conditions for registration laid down in Article 3 of that Regulation and that the statutes contain the provisions required by Article 4 of that Regulation,

HAS ADOPTED THIS DECISION:

Article 1

Alliance of Liberals and Democrats for Europe Party is hereby registered as a European political party.

It shall acquire European legal personality on the date of the publication of this Decision in the *Official Journal of the European Union*.

Article 2

This Decision shall take effect on the day of its notification.

([1]) OJ L 317, 4.11.2014, p. 1.

([2]) Commission Delegated Regulation (EU, Euratom) 2015/2401 of 2 October 2015 on the content and functioning of the Register of European political parties and foundations (OJ L 333, 19.12.2015, p. 50).

Article 3

This Decision is addressed to:

Alliance of Liberals and Democrats for Europe Party
Rue d'Idalie/Idaliestraat 11 (box 2)
1050 Bruxelles/Brussel
BELGIQUE/BELGIË

Done at Brussels, 4 May 2017.

For the Authority for European political parties and European political foundations

The Director

M. ADAM

ANNEX

Statuts de l'Alliance of Liberals and Democrats for Europe Party, parti politique européen (en abrégé « PPEU »)

Adoptés par le Congrès de l'ALDE Party le 3 décembre 2016

CHAPITRE I – NOM, SIEGE, OBJET ET DUREE DE L'ASSOCIATION

Article 1 – Nom et logo

Un parti politique européen est constitué en vertu du droit européen. Son nom est « **Alliance of Liberals and Democrats for Europe Party** », en abrégé « **ALDE Party** », ci-après dénommé l' « Association ». Tant la forme complète qu'abrégée du nom peuvent être utilisées de manière indifférente.

Tous les actes, factures, annonces, publications, courriers, bons de commande et autres documents émanant de l'Association doivent mentionner sa dénomination complète ou abrégée, précédée ou suivie immédiatement des mots « parti européen », ainsi que l'adresse du siège de l'Association.

L'Association est régie par le Règlement nº 1141/2014 du Parlement européen et du Conseil du 22 octobre 2014 relatif au statut et au financement des partis politiques européens et des fondations politiques européennes (le « **Règlement** »), ainsi que par la loi du 27 juin 1921 sur les associations sans but lucratif, les fondations, les partis politiques européens et les fondations politiques européennes (la « **Loi** ») pour les aspects légaux qui ne sont pas couverts par le Règlement, tel que le prévoit l'article 14 du Règlement.

Le logo de l'Association est repris à l'Annexe I aux présents statuts.

Article 2 – Siège

Le siège de l'Association est situé à B-1050 Bruxelles, rue d'Idalie, 11. Le siège de l'Association peut être transféré en tout autre lieu dans l'Union européenne par décision prise par le Bureau.

Article 3 – Objet et objectifs

L'Association observe les valeurs sur lesquelles l'Union européenne est fondée, telles que reprises à l'article 2 du Traité sur l'Union européenne, à savoir les valeurs de respect de la dignité humaine, de liberté, de démocratie, d'égalité, de l'État de droit, ainsi que de respect des droits de l'homme, y compris des droits des personnes appartenant à des minorités.

L'Association a pour objet non-lucratif d'apporter son soutien au rassemblement des partis politiques et citoyens d'Europe qui, se réclamant des valeurs libérales, démocratiques et réformatrices, veulent contribuer à l'Union européenne.

L'Association réalisera son objet par :

— le renforcement du mouvement libéral, démocrate et réformateur dans l'Union européenne et dans toute l'Europe ;

— la recherche d'une position commune sur toutes les questions importantes concernant l'Union européenne ;

— l'information du public et sa participation à la construction d'une démocratie européenne unie ;

— l'appui et la coordination de ses membres dans le contexte des élections du Parlement européen ;

— le soutien à la constitution d'un groupe parlementaire libéral, démocratique et réformateur dans toutes les assemblées parlementaires internationales ;

— le développement de relations de travail étroites entre et avec ses membres, leurs groupes parlementaires nationaux, le Groupe parlementaire de l'ALDE Party au Parlement européen, dans d'autres enceintes internationales et l'Internationale Libérale.

L'Association peut, également, valablement constituer une filiale dédiée aux activités de collecte de fonds, de sponsoring ainsi que toute autre activité qui contribue au financement privé ou public de l'Association, pour autant que les bénéfices réalisés par la filiale et attribués à l'Association soient affectés à la réalisation des objectifs non-lucratifs.

L'Association peut accomplir tous les actes et mener toutes les activités, en Europe, visant directement ou indirectement à améliorer ou promouvoir son objet et ses objectifs.

Article 4 – Durée

L'Association est constituée pour une durée illimitée.

Article 5 – Fondation

La fondation politique européenne affiliée à l'Association est le Forum Libéral Européen. Cette entité est formellement affiliée à l'ALDE Party et, par ses activités, qui s'inscrivent dans le respect des objectifs et valeurs fondamentales poursuivis par l'Union européenne, appuie et complète les objectifs du parti politique au niveau européen.

CHAPITRE II – MEMBRES

Article 6 – Critères d'admission des membres, catégories de membres et droits et obligations des membres

La qualité de membre de l'Association est ouverte à tous les partis politiques en Europe et aux citoyens qui acceptent les statuts, le règlement d'ordre intérieur de l'Association, les programmes politiques de l'Association et la Déclaration de Stuttgart.

L'Association doit être composée d'au moins deux membres effectifs. L'Association est composée de membres effectifs, associés et individuels, personnes physiques ou morales légalement constituées selon les lois et usages de leur pays d'origine.

La qualité de membre effectif est attribuée de plein droit à l'a.s.b.l. de droit belge European Liberal Youth, en abrégé LYMEC.

Si un candidat membre ne dispose pas de la personnalité juridique selon les lois et usages de son pays d'origine, il doit désigner, dans sa demande écrite d'admission, une personne physique qui agira au nom et pour compte de tous les membres dudit candidat membre, en qualité de mandataire commun.

Les membres effectifs doivent payer une cotisation, à l'exception de l'a.s.b.l. LYMEC. Ils ont le droit de prendre part aux réunions du Conseil et du Congrès, de faire valoir leur opinion et de voter.

Les membres associés doivent payer une cotisation. Ils ont le droit de prendre part aux réunions du Conseil et du Congrès, de faire valoir leur opinion mais ils n'ont pas le droit de vote. Tout membre associé peut à tout moment demander à devenir membre effectif.

Les membres individuels doivent payer une cotisation. Ils ont le droit de prendre part aux réunions du Conseil et du Congrès, selon les modalités prévues dans le règlement d'ordre intérieur. Ils peuvent faire valoir leur opinion et voter.

Article 7 – Registre des membres et liste des membres

Un registre contenant une liste à jour de tous les membres effectifs et associés de l'Association et une liste des membres individuels sont conservés au siège de l'Association.

Les membres effectifs, associés et individuels ont le droit d'avoir accès au registre et à la liste des membres individuels au siège de l'Association.

La liste des partis membres effectifs et associés de l'Association est reprise à l'Annexe II aux présents statuts.

Article 8 – Admission des membres

Toute candidature comme membre effectif ou associé est adressée au Bureau, accompagnée de tous les documents nécessaires démontrant que le candidat remplit les conditions d'éligibilité. Le Bureau soumet la candidature et son rapport préliminaire et avis au Conseil, qui vérifie si la candidature remplit ou non les conditions d'éligibilité. Le Conseil se prononce à la majorité de deux-tiers des voix émises. La décision du Conseil d'admettre un candidat ou non est définitive et le Conseil n'est pas tenu de motiver sa décision.

Toute candidature comme membre individuel est adressée au secrétaire-général. La candidature est soumise au Bureau. Le Bureau se prononce à la majorité simple des voix émises. La décision du Bureau d'admettre ou non un candidat est définitive et le Bureau n'est pas obligé de motiver sa décision.

Article 9 – Démission et exclusion de membres

Tout membre effectif ou associé peut démissionner de l'Association à tout moment en donnant un préavis de trois mois par lettre recommandée adressée au secrétaire-général. La démission entre en vigueur à la fin de l'exercice social.

Un membre individuel peut démissionner à tout moment par notification écrite adressée au secrétaire-général. La démission prend effet immédiatement.

Un membre démissionnaire reste tenu de ses obligations financières vis-à-vis de l'Association jusqu'à la fin de l'exercice social au cours duquel sa démission a pris effet.

Si un membre effectif manque à ses obligations financières après un avertissement adressé par le secrétaire-général de payer ses dettes dans un délai de trois mois, le droit de vote du membre effectif est suspendu à compter de l'expiration de ce délai de trois mois.

Si un membre individuel manque à ses obligations financières, son droit de vote sera suspendu.

Si un membre effectif associé ou individuel manque à ses obligations financières pendant deux exercices sociaux consécutifs, il est réputé démissionnaire à compter du premier jour de l'exercice social suivant.

Tout membre peut être exclu pour chacune des raisons suivantes :

(i) ne pas respecter les statuts ou le règlement d'ordre intérieur ;

(ii) ne pas respecter les décisions de tout organe de l'Association ;

(iii) ne plus satisfaire aux conditions d'éligibilité comme membre ;

(iv) si un de ses actes est contraire aux intérêts et aux valeurs de l'Association en général.

L'exclusion de membres effectifs ou associés est décidée par le Conseil avec une majorité de deux-tiers des voix émises. Le membre effectif ou associé est informé par lettre recommandée, télécopie, courrier électronique ou tout autre écrit de la proposition d'exclusion. La lettre décrit les motifs sur lesquels l'exclusion proposée est basée. Le membre effectif ou associé a le droit d'adresser ses remarques par écrit au secrétaire-général, dans un délai des 15 jours calendrier à compter de la réception de la lettre. A sa demande préalable exprimée par écrit, le membre effectif ou associé peut être entendu.

La décision d'exclusion décrit les motifs sur lesquels l'exclusion est basée, mais pour le surplus, la décision ne doit pas être motivée. Le secrétaire-général adresse une copie de la décision au membre exclu par lettre recommandée, télécopie, courrier électronique ou tout autre écrit dans un délai de 15 jours calendrier. L'exclusion prend effet immédiatement mais le membre exclu reste tenu de ses obligations financières vis-à-vis de l'Association jusqu'à la fin de l'exercice social.

L'expulsion d'un membre individuel est décidée par le Bureau en conformité avec le règlement d'ordre intérieur. La décision ne doit pas être motivée. Le secrétaire-général adresse une copie de la décision au membre individuel exclu par écrit dans un délai de 15 jours calendrier. L'exclusion entre en vigueur immédiatement mais le membre exclu reste tenu à ses obligations financières vis-à-vis de l'Association jusqu'à la fin de l'exercice social.

Un membre démissionnaire ou exclu n'a aucun droit à faire valoir sur l'avoir social de l'Association.

CHAPITRE III – ORGANES DE L'ASSOCIATION

Article 10 – Les organes de l'Association

(i) Le Congrès ;

(ii) Le Conseil ;

(iii) Le Bureau.

CHAPITRE IV – CONGRES

Article 11 – Composition et pouvoirs

Le Congrès est composé de tous les membres effectifs, associés et individuels et des membres du Bureau.

En conformité avec le règlement d'ordre intérieur, des tiers peuvent se voir accorder le droit de prendre part aux réunions du Congrès. Ils ont le droit de faire valoir leur opinion mais n'ont pas le droit de vote.

Les décisions prises par le Congrès sont contraignantes pour tous les membres, en ce compris les membres absents, dissidents ou ceux qui s'abstiennent de voter.

Les pouvoirs suivants sont réservés au Congrès :

a) L'élection, la révocation et la décharge des membres du Bureau ;

b) Les modifications aux statuts ;

c) La dissolution et la liquidation de l'Association ;

d) L'approbation d'un programme politique commun pour les élections européennes ;

e) L'élection du ou des candidat(s) de tête commun(s) aux élections européennes.

Article 12 – Convocations et réunions

Le Congrès est convoqué par le Conseil. Le Congrès se réunit au moins une fois par an dans chaque année calendrier et pas plus de dix-huit mois ne peuvent s'écouler entre deux réunions du Congrès.

Des réunions extraordinaires du Congrès peuvent être convoquées par le Bureau ou le Conseil ou au moins un tiers des membres effectifs.

La convocation est adressée par courrier, télécopie, courrier électronique ou tout autre moyen écrit. Pour le surplus, les règles relatives à l'ordre du jour, à l'horaire et la manière dont les réunions du Congrès sont tenues sont décrites dans le règlement d'ordre intérieur.

Article 13 – Représentation

Les membres effectifs, associés et individuels sont représentés au Congrès par des délégués, nommés en conformité avec les règles décrites dans le règlement d'ordre intérieur.

Chaque membre effectif a autant de voix que de délégués. Les membres individuels auront autant de voix que de délégués, tel que stipulé dans le règlement d'ordre intérieur. Un délégué peut émettre deux voix au plus.

Article 14 – Délibérations, quorums et votes

Une liste des présences des membres effectifs, associés et individuels est signée avant la réunion par les délégués, en dessous du nom du membre qu'ils représentent.

Le Congrès peut valablement délibérer si au moins un tiers des membres effectifs sont présents. Si ce quorum n'est pas atteint, une nouvelle réunion du Congrès est convoquée au plus tôt 15 jours calendrier après la première réunion. La seconde réunion du Congrès peut valablement prendre des décisions, quel que soit le nombre de membres effectifs présents.

Les décisions du Congrès, en ce compris les élections et les révocations des membres du Bureau sont prises à la majorité simple des voix émises. Les abstentions ne sont pas prises en compte et en cas de vote écrit, les votes blancs ou irréguliers ne sont pas pris en compte dans le décompte des voix. En cas d'égalité des voix, la décision est rejetée.

Article 15 – Procès-verbaux

Les décisions du Congrès sont consignées dans des procès-verbaux. Les procès-verbaux sont approuvés à l'occasion de la réunion suivante du Congrès et sont signés par la personne qui préside cette réunion.

Les procès-verbaux sont conservés dans un registre à la disposition des membres au siège de l'Association. Une copie du procès-verbal est également adressée à tous les membres effectifs et associés.

Les procès-verbaux du Congrès peuvent également être publiés en tout ou en partie.

CHAPITRE V – CONSEIL

Article 16 – Composition et pouvoirs

Le Conseil est composé de tous les membres effectifs, associés et individuels et des membres du Bureau.

En conformité avec le règlement d'ordre intérieur, des tiers peuvent se voir accorder le droit de prendre part aux réunions du Conseil. Ils ont le droit de faire valoir leur opinion mais n'ont pas le droit de vote.

Les décisions prises par le Conseil sont contraignantes pour tous les membres, en ce compris les membres absents, dissidents ou ceux qui s'abstiennent de voter.

Les pouvoirs suivants sont réservés au Conseil :

a) L'approbation des comptes annuels, du rapport annuel, du budget, des cotisations et de tout autre forme de financement proposés par le Bureau ;

b) L'admission, la suspension et l'exclusion des membres effectifs ou associés ;

c) L'approbation et les modifications au règlement d'ordre intérieur ;

d) La préparation du programme politique commun pour les élections européennes à approuver par le Congrès ;

e) L'interprétation des statuts et du règlement d'ordre intérieur ;

f) Sur proposition du Bureau, la nomination et la révocation du secrétaire-général ;

g) La nomination, la révocation et la détermination des émoluments du ou des commissaire(s)-réviseur(s) ;

h) La modification de l'Annexe I aux présents statuts relative au logo de l'Association ainsi que la modification de l'Annexe II aux présents statuts relative à la liste des membres effectifs (les partis membres) de l'Association.

Article 17 - Convocation et réunions

Le Conseil est convoqué par le Bureau chaque fois que nécessaire pour l'intérêt de l'Association ou sur requête écrite d'un quart des membres effectifs.

Au moins deux réunions du Conseil doivent être tenues chaque année.

La convocation est adressée par courrier, télécopie, courrier électronique ou tout autre moyen écrit. Pour le surplus, les règles relatives à l'ordre du jour, à l'horaire et à la manière dont les réunions du Conseil sont tenues sont décrites dans le règlement d'ordre intérieur.

Article 18 - Représentation

Les membres effectifs, associés et individuels sont représentés au Conseil par des délégués, nommés en conformité avec les règles décrites dans le règlement d'ordre intérieur.

Chaque membre effectif a autant de voix que de délégués. Les membres individuels auront autant de voix que de délégués, tel que stipulé dans le règlement d'ordre intérieur.

Article 19 - Délibérations, quorums et votes

Une liste des présences des membres effectifs, associés et individuels est signée avant la réunion par les délégués, en dessous du nom du membre qu'ils représentent.

Sauf disposition contraire des statuts, le Conseil peut valablement délibérer si au moins un tiers des membres effectifs sont présents. Si ce quorum n'est pas atteint, une nouvelle réunion du Conseil est convoquée au plus tôt 15 jours calendrier après la première réunion. La seconde réunion du Conseil peut valablement prendre des décisions, quel que soit le nombre de membres effectifs présents.

Sauf disposition contraire des statuts, les décisions du Conseil sont prises à la majorité simple des voix émises. Les abstentions ne sont pas prises en compte et en cas de vote écrit, les votes blancs ou irréguliers ne sont pas pris en compte dans le décompte des voix. En cas d'égalité des voix, la décision est rejetée.

Les décisions du Conseil peuvent être également prises par lettre circulaire, en conformité avec les règles décrites dans le règlement d'ordre intérieur. Les décisions prises par lettre circulaire sont considérées comme ayant été prises au siège de l'Association et sont réputées entrer en vigueur à la date mentionnée sur la lettre circulaire.

Article 20 – Procès-verbaux

Les décisions du Conseil sont consignées dans des procès-verbaux. Les procès-verbaux sont approuvés à l'occasion de la réunion suivante du Conseil et sont signés par la personne qui préside cette réunion.

Les procès-verbaux sont conservés dans un registre à la disposition des membres au siège de l'Association. Une copie du procès-verbal est également adressée à tous les membres effectifs et associés.

CHAPITRE VI – BUREAU

Article 21 – Composition, pouvoirs et élections

Le Bureau est composé de onze membres, élus par le Congrès, parmi lesquels un Président, neuf Vice-Présidents et un Trésorier. Les membres du Bureau ne peuvent exercer plus de trois mandats consécutifs de chacun deux années à une même fonction et pas plus de huit années au total.

Les membres du Bureau sont au service de l'ALDE Party dans son ensemble et ne sont pas des représentants de leurs partis membres nationaux. En cela, ils se voient confier des droits de vote, tel que spécifié plus en détails dans le règlement d'ordre intérieur.

En conformité avec les règles décrites dans le règlement d'ordre intérieur, des tiers peuvent être invités à prendre part à une réunion du Bureau, comme observateurs. Les observateurs peuvent faire valoir leur opinion mais n'ont pas le droit de vote.

Sauf si décidé autrement par le Congrès, le mandat prend effet immédiatement et prend fin à l'issue de la deuxième réunion du Congrès qui se tient après celle qui a procédé à l'élection.

La fonction de membre du Bureau n'est pas rémunérée. Les dépenses raisonnables appuyées par des pièces justificatives appropriées sont remboursées.

Le Bureau est investi du pouvoir d'accomplir tous les actes nécessaires ou utiles pour réaliser l'objet et les objectifs de l'Association, à l'exception des pouvoirs que la loi ou les statuts réservent au Conseil ou au Congrès.

Le Bureau peut déléguer, sous sa responsabilité, une partie de ses pouvoirs pour des objets spéciaux et déterminés à un mandataire.

Le Bureau peut créer des groupes consultatifs et de travail, pour tout objet qu'il considère approprié. La composition, les termes de leur objet et les règles de procédure de ces groupes consultatifs et de travail sont décrites dans le règlement d'ordre intérieur.

Le Congrès peut attribuer le titre de Président Honoraire de l'Association.

Elections

Le scrutin est secret. En plus de leur propre vote, les délégués votants peuvent se voir attribuer un maximum d'une procuration par élection, ce qui signifie que deux voix au maximum par délégué peuvent être émises. Les abstentions, les votes blancs et irréguliers ne sont pas pris en compte dans le décompte des voix.

a) Election du Président et du Trésorier

Le Président et le Trésorier sont élus séparément, par une majorité de plus de 50 % des voix émises. S'il y a plus de deux candidats, et que personne n'atteint plus de 50 % des voix émises, un second tour a lieu entre les deux candidats ayant obtenu le plus grand nombre de voix.

b) Election des Vice-Présidents

Les Vice-Présidents sont élus au moyen d'un scrutin à bulletin unique. Les délégués peuvent choisir autant de candidats qu'ils le veulent, jusqu'au nombre maximal de postes à pourvoir.

Les candidats avec le plus de voix sont élus dans l'ordre du nombre de voix. Seuls les candidats atteignant le quorum défini ci-après sont élus : 1 divisé par le nombre de postes à pourvoir, c'est-à-dire que pour deux postes le quorum est de 1/2 = 50 % des bulletins émis (et non du total de voix), pour 3 postes à pourvoir 1/3 = 33,33 % des bulletins émis, pour 4 postes à pourvoir 1/4 = 25 % des bulletins émis, etc.

Lorsqu'il n'y a qu'un poste vacant à un tour d'une élection, le principe de la majorité simple est appliqué, comme c'est le cas pour les postes de Président et Trésorier.

Les candidats n'arrivant pas à obtenir le quorum au premier tour peuvent être candidats au second tour pour lequel il n'y a pas de quorum. Ceux obtenant le plus grand nombre de voix sont élus jusqu'à ce que tous les mandats vacants aient été attribués.

Si deux candidats ou plus obtiennent le même nombre de voix pour le dernier mandat vacant, un ultime tour est organisé entre ces candidats en vue de déterminer à qui le mandat sera attribué.

Dans l'hypothèse où un Vice-Président en exercice ou un Trésorier en exercice est candidat au poste de Président, un mandat supplémentaire deviendrait vacant si cette personne est élue Président.

Les candidats à l'élection du Bureau doivent être désignés par un parti membre effectif de l'Association en ordre de paiement de sa cotisation annuelle. Le dirigeant du parti du candidat doit envoyer une lettre de désignation signée adressée au Président de l'ALDE Party.

Article 22 - Vacance

En cas de vacance, un nouveau membre du Bureau peut être nommé par le Bureau, en conformité avec les règles décrites à l'article 21.

Le mandat du membre du Bureau remplaçant prend fin en même temps que le terme du mandat de membre du Bureau qu'il remplace. La nomination est ratifiée à la prochaine réunion du Congrès.

Article 23 – Convocation et réunions

Le Bureau se réunit au moins trois fois par an.

Les réunions du Bureau sont convoquées par le Président ou par trois membres du Bureau.

Les réunions du Bureau sont présidées par le Président ou en son absence, par un autre membre du Bureau désigné à cet effet par ses collègues.

La convocation doit contenir le lieu, la date, l'heure, l'ordre du jour et le cas échéant, les documents de travail. Elle doit être adressée à tous les membres du Bureau par lettre, télécopie, courrier électronique ou tout autre moyen écrit, au moins huit jours calendrier avant la date de la réunion.

Article 24 – Délibérations, quorums et votes

Le Bureau peut valablement délibérer si au moins la moitié des membres du Bureau sont présents. Si ce quorum n'est pas atteint, une nouvelle réunion du Bureau est convoquée au plus tôt huit jours calendrier après la première réunion. La seconde réunion du Bureau peut valablement prendre des décisions, quel que soit le nombre des membres du Bureau présents.

Le Bureau peut seulement délibérer sur les points repris dans l'ordre du jour, à moins que tous les membres du Bureau soient présents et décident de manière unanime de discuter d'autres points.

Chaque membre du Bureau dispose d'une voix. Un membre du Bureau ne peut pas accorder de procuration à un autre membre du Bureau.

Les décisions du Bureau sont prises à la majorité simple des voix émises. Les abstentions ne sont pas prises en compte et en cas de vote écrit, les votes blancs ou irréguliers ne sont pas pris en compte dans le décompte des voix. En cas d'égalité des voix, le président de la réunion dispose d'une voix prépondérante.

Les décisions peuvent également être prises par lettre circulaire, conférence téléphonique ou vidéoconférence. Les décisions prises par conférence téléphonique ou par vidéoconférence sont considérées comme ayant été prises au siège de l'Association et sont réputées entrer en vigueur à la date de la réunion.

Article 25 – Procès-verbaux

Les décisions du Bureau sont consignées dans des procès-verbaux. Les procès-verbaux sont approuvés à l'occasion de la réunion suivante du Bureau et sont signés par la personne qui préside cette réunion.

Les procès-verbaux sont conservés dans un registre à la disposition des membres du Bureau au siège de l'Association. Une copie du procès-verbal est également adressée à tous les membres du Bureau.

CHAPITRE VII – GESTION DE L'ASSOCIATION

Article 26 – Secrétaire-général

Le Conseil délègue la gestion journalière de l'Association au secrétaire-général, sur proposition du Bureau. Le Bureau définit l'étendue et les limitations financières des pouvoirs de gestion journalière du secrétaire-général.

Le terme du mandat du secrétaire-général est de deux ans au plus, renouvelable.

Le secrétaire-général est rémunéré, en conformité avec la décision du Bureau. Les dépenses raisonnables appuyées par des pièces justificatives appropriées sont également remboursées.

Le secrétaire-général peut déléguer une partie de ses pouvoirs pour des objets spéciaux et déterminés à un tiers, sous sa responsabilité.

CHAPITRE VIII – REPRESENTATION DE L'ASSOCIATION

Article 27

L'Association est valablement représentée dans tous ses actes, en ce compris en justice, soit par le Président, soit par deux membres du Bureau agissant conjointement, qui n'ont pas à justifier d'une décision préalable du Bureau vis-à-vis des tiers.

Le secrétaire-général peut valablement représenter l'Association individuellement dans tous les actes de gestion journalière en ce compris en justice, et n'a pas à justifier d'une décision préalable du Bureau vis-à-vis des tiers.

L'Association est également valablement représentée par un mandataire, dans les limites de son mandat.

CHAPITRE IX – AUDIT

Article 28

Le contrôle de la situation financière, des comptes annuels et la vérification que les opérations décrites dans les comptes annuels sont conformes au Règlement, aux statuts et au règlement financier du Parlement européen, est confié à un ou plusieurs commissaires, nommés par le Conseil parmi les membres de l'Institut des Réviseurs d'Entreprises.

CHAPITRE X – REGLEMENT D'ORDRE INTERIEUR

Article 29

Le Conseil adopte et modifie le règlement d'ordre intérieur de l'Association. Le règlement d'ordre intérieur règle le fonctionnement de l'Association et de ses organes en général, sans être contraire aux statuts.

CHAPITRE XI – EXERCICE SOCIAL, BUDGET ET COMPTES ANNUELS

Article 30

L'exercice social coïncide avec l'année calendrier.

Article 31

Le Bureau prépare les comptes annuels à la fin de chaque exercice social. Le Trésorier, au nom du Bureau, émet le rapport annuel justifiant de la gestion de l'Association. Ce rapport annuel contient des commentaires sur les comptes annuels afin de présenter l'évolution de l'Association et des activités de l'Association.

L'Association, en ce qui concerne la comptabilité, les comptes, les donations, la vie privée et la protection des données à caractère personnel, respecte le règlement (CE) nº 45/2001 ainsi que la directive 95/46/CE concernant la protection des personnes physiques à l'égard du traitement des données à caractère personnel.

Le rapport annuel et le rapport du commissaire sont présentés au Conseil pour approbation, en même temps que le projet de comptes annuels.

CHAPITRE XII – FINANCEMENT

Article 32

L'Association assure son financement par :

(i) le paiement des cotisations, comme décrit à l'article 5 ;

(ii) les ressources accordées par toute autorité, en particulier les autorités européennes ;

(iii) la rémunération de tout service rendu par l'Association à ses membres ou à des tiers ;

(iv) le paiement de royalties pour l'usage des droits de propriété intellectuelle détenus par l'Association ;

(v) les donations ;

(vi) toute autre forme de ressource financière autorisée.

En tout état de cause, le financement de l'Association doit respecter strictement les conditions et obligations relatives au financement des partis politiques édictées par le Règlement.

La cotisation doit être payée avant le 1er avril de chaque année.

CHAPITRE XIII – RESPONSABILITE LIMITEE

Article 33

Les membres de l'Association, les membres du Bureau et les personnes chargées de la gestion journalière de l'Association ne sont pas personnellement tenus des obligations de l'Association.

La responsabilité des membres du Bureau ou des personnes chargées de la gestion journalière de l'Association est limitée à l'exécution conforme de leur mandat.

CHAPITRE XIV – MODIFICATIONS AUX STATUTS, DISSOLUTION ET LIQUIDATION DE L'ASSOCIATION

Article 34 – Modifications aux statuts

Toute proposition de modifier les statuts n'est valable que si elle est proposée par le Bureau ou un tiers des membres effectifs.

Les modifications proposées aux statuts doivent être jointes à la convocation de la réunion du Congrès.

Un quorum de présence d'au moins deux-tiers des membres effectifs est requis pour les décisions relatives aux modifications des statuts.

Si ce quorum n'est pas atteint, une nouvelle réunion du Congrès est convoquée au plus tôt 15 jours calendrier après la première réunion. La seconde réunion du Congrès peut valablement prendre des décisions quel que soit le nombre de membres effectifs présents.

Les décisions relatives aux modifications des statuts sont prises à la majorité de deux-tiers des voix émises.

Toute décision de modification des statuts devra être soumise à l'Autorité et publiée au Journal officiel.

Article 35 – Dissolution et liquidation de l'Association

L'Association peut être dissoute de manière volontaire par une décision du Congrès à la majorité des quatre cinquièmes des voix émises.

Si l'Association est dissoute, le Congrès décide à la majorité simple des voix émises de (i) la nomination, des pouvoirs et de la rémunération des liquidateurs, (ii) des méthodes et procédures de liquidation de l'Association et (iii) de l'affectation à donner à l'actif net de l'Association.

L'actif net de l'Association devra être affecté à une fin désintéressée.

CHAPITRE XV – DISPOSITIONS FINALES

Article 36

Les statuts sont rédigés en français et en anglais. La version française est la version officielle des statuts et prévaut.

Article 37

Tout ce qui n'est pas réglé par les statuts et le Règlement est soumis aux lois de l'Etat membre dans lequel l'Association est établie.

Annexe I : logo.

Annexe II : liste des partis membres.

Annexe I

Logo

Annexe II

Liste des partis membres

ALLIANCE OF LIBERALS AND DEMOCRATS FOR EUROPE PARTY (ALDE) membership overview as of May 2017:

EU

FULL MEMBERS

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
1	NEOS	New Austria	NEOS	Austria	May 2014 (in succession to LIF member since 1993)	www.neos.eu		Yes
2	Mouvement Réformateur	Reform Movement	MR	Belgium	March 1976 (founding member as Parti des Réformes et de la Liberté)	www.mr.be	Yes	Yes
3	Vlaamse Liberalen en Democraten	Flemish Liberal Democrats	Open VLD	Belgium	March 1976 (founding member as Partij voor Vrijheid en Vooruitgang)	www.openvld.be	Yes	Yes
4	Dvizhenie za prava i svobodi	Movement for Rights and Freedoms	MRF	Bulgaria	December 2001	www.dps.bg		Yes
5	Enomeni Dimokrates	United Democrats	EDI	Cyprus	December 1996	www.edi.org.cy		
6	Akce nespokojených občanů	Action of Dissatisfied Citizens	ANO	Czech Republic	November 2014	www.anobudelip.cz	Yes	Yes
7	Hrvatska narodna stranka – liberalni demokrati	Croatian People's Party - Liberal Democrats	HNS	Croatia	December 2001	www.hns.hr		Yes

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
8	Istarski demokratski sabor	Istrian Democratic Assembly	IDS	Croatia, Istria	May 2006	www.ids-ddi.hr		Yes
9	Venstre Danmarks Liberale Parti	Left, Liberal Party of Denmark	Venstre	Denmark	March 1976 (founding member)	www.venstre.dk	Yes	Yes
10	Det Radikale Venstre	Danish Social Liberal Party	Radikale Venstre	Denmark	February 1992	www.radikale.dk		Yes
11	Eesti Keskerakond	Estonian Centre Party	CPE	Estonia	July 2003	www.keskerakond.ee	Yes	Yes
12	Eesti Reformierakond	Estonian Reform Party	ERP	Estonia	December 1995	www.reform.ee		Yes
13	Suomen Keskusta	Center Party	Keskusta	Finland	March 1992	www.keskusta.fi	Yes	Yes
14	Svenska Folkpartiet	Swedish People's Party	SFP	Finland	July 1992	www.sfp.fi		Yes
15	Union des Démocrates et Indépendants	Union of Democrats and Independants	UDI	France	December 2016	www.parti-udi.fr		Yes
16	Freie Demokratische Partei	Free Democratic Party	FDP	Germany	March 1976 (founding member)	www.fdp.de		
17	Liberálisok	Liberal Party	Liberálisok	Hungary	April 2013	www.liberalisok.hu		Yes
18	Fianna Fail	Soldiers of Destiny	Fianna Fail	Ireland	April 2009	www.fiannafail.ie		Yes
19	Latvijas Attīstībai	Latvia's Development Party	LA	Latvia	September 2000	www.attistibai.lv		

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
20	Liberalų Sąjūdis	Liberal Movement	Liberal Movement	Lithuania	October 2006	www.liberalusajudis.lt		Yes
21	Lietuvos Laisvės Sajunga	Lithuanian Liberty Union	LiCS	Lithuania	December 1997	www.lics.lt		
22	Darbo Partija	Labor Party	DP	Lithuania	May 2012	www.darbopartija.lt		Yes
23	Parti Démocratique	Democratic Party	PD	Luxembourg	March 1976 (founding member)	www.dp.lu	Yes	Yes
24	Democraten 66	Democrats 66	D66	Netherlands	December 1994	www.d66.nl		Yes
25	Volkspartij voor Vrijheid en Democratie	People's Party for Freedom and Democracy	VVD	Netherlands	March 1976 (founding member)	www.vvd.nl	Yes	Yes
26	Nowoczesna	Modern	NC	Poland	June 2016	www.nowoczesna.org		Yes
27	Partidul Alianta Liberalilor si Democratilor	Alliance of Liberals and Democrats	ALDE	Romania	June 2015	www.alde.ro	Yes	Yes
28	Ciudadanos - Partido de la Ciudadanía	Citizens	C's	Spain	June 2016	www.ciudadanos-cs.org		Yes
29	Partit Demòcrata Europeu Català	Catalan European Democratic Party (as legal successor to CDC since Dec 2016)	PDeCAT	Spain, Catalonia	May 2005	www.partitdemocrata.cat	Yes, Catalonia	Yes
30	Stranka modernega centra	Modern Centre Party	SMC	Slovenia	November 2014	www.mirocerar.si	Yes	Yes

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
31	Centerpartiet	Centre Party	CP	Sweden	April 2000	www.centerpartiet.se		Yes
32	Liberalerna	Liberals	L	Sweden	July 1991	www.folkpartiet.se		Yes
33	Liberal Democrats	Liberal Democrats	LibDems	UK	November 1988 (founding member as 'Liberal Party Organisation')	www.libdems.org.uk		Yes
TOTAL FULL MEMBERS:		**33**						

AFFILIATE MEMBERS

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
1	Liberal Party of Gibraltar	Liberal Party of Gibraltar	LPG	Gibraltar	May 2015	www.liberal.gi	Yes, Gibraltar	Yes
2	Hrvatska socijalno liberalna stranka	Croatian Social Liberal Party	HSLS	Croatia	March 1994	www.hsls.hr		Yes
3	Åländsk Center	Centre Party Åland Islands	CPA	Finland, Aland Islands	May 2013	www.centern.ax	Yes, Aland Islands	Yes
4	Δράση	Drassi (Action)	Drassi	Greece	November 2013	www.drassi.gr		

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
5	Radicali Italiani	Italian Radicals	I Radicali	Italy	October 2004	www.radicali.it		
6	Zavezništvo Socialno-Liberalnih Demokratov	Alliance of Social-Liberal Democrats	ZSD	Slovenia	November 2014	www.alenkabratusek.si		Yes
TOTAL AFFILIATE MEMBERS:		**6**						

NON EU

FULL MEMBERS

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
1	Partit Liberal Andorra	Liberal Party of Andorra	PLA	Andorra	March 1996	www.partitliberal.ad		Yes
2	Hay Azgayin Congress	Armenian National Congress Party	ANC	Armenia	March 2010	www.anc.am		
3	sak'art'velos respublikuri partia	Republican Party of Georgia	RP	Georgia	October 2007	www.republicans.ge		
4	t'avisup'ali demokratebi	Free Democrats	FD	Georgia	November 2012	www.fd.ge		
5	Partidul Liberal	Liberal Party	PL	Moldova	October 2010	www.pl.md		Yes
6	Venstre	Left	Venstre	Norway	October 2000	www.venstre.no		Yes

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
7	Yabloko	Yabloko	Yabloko	Russian Federation	October 2008	www.eng.yabloko.ru		
8	Partiya narodnoy svobody	People's Freedom Party	PARNAS	Russian Federation	October 2008	www.parnasparty.ru		
9	Aleanca Kosova e Re	New Kosovo Alliance	AKR	Kosovo	November 2009	www.akr-ks.com		
10	Freisinnig-Demokratische Partei der Schweiz	Free Democratic Party	FDP Die Liberalen	Switzerland	October 1993	www.fdp.ch	Yes	Yes
11	Gromadianska pozitsiya	Civic Position	CP	Ukraine	June 2016	www.grytsenko.com.ua		
12	Yevropeyska partiya Ukrainy	European Party Ukraine	EPU	Ukraine	May 2013	www.epu.in.ua		
TOTAL FULL MEMBERS:		**12**						

AFFILIATE MEMBERS

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
1	Müsavat Partiyası	Equality Party	MP	Azerbaijan	October 2007	www.musavat.com		
2	Партыя свабоды і прагрэсу	Party of Freedom and Progress	PFP	Belarus	November 2013	http://liberaly.org/		
3	Naša Stranka	Our Party	NS	Bosnia and Herzegovina	June 2016	www.nasastranka.ba		Yes
4	Björt framtíð	Bright Future	BF	Iceland	November 2013	www.bjortframtid.is	Yes	Yes

Nr	Name	English translation	Abbreviation	Country	Accession date	Website	Government participation	Parliamentary presence
5	Partia Liberale e Kosoves	Liberal Party of Kosovo	PLK	Kosovo	July 1996			
6	Liberalno-demokratska Partija	Liberal Democratic Party	LDP	Macedonia	December 2016	www.ldp.mk		Yes
7	Liberalna Partija Crne Gore	Liberal Party of Montenegro	LPCG	Montenegro	November 2014	www.lpcg.me		Yes
8	Liberalno Demokratska Partija	Liberal Democratic Party	LDP	Serbia	October 2008	www.ldp.rs		yes
TOTAL AFFILIATE MEMBERS:		**8**						
EU members		39						
Non EU members		20						
TOTAL ALDE MEMBERS:		**59**	**59 parties from 42 countries (25 EU countries)**					

12 member parties (10 EU parties) in government in 11 countries (9 EU countries) as of May 2017

NOTICES FROM MEMBER STATES

Opening of winding-up proceedings of an insurance undertaking

Decision to withdraw the authorisation of 'INTERNATIONAL LIFE Life Insurance SA' and open winding-up proceedings

(Publication in accordance with Article 280 of Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II))

(2017/C 191/05)

Insurance undertaking	'INTERNATIONAL LIFE Life Insurance SA', registered office at Kifisias 7 & Neapoleos 2, 15123 Marousi, General Commercial Register (GEMI) No 000954901000, Tax Identification Number (TIN) 094327788, Legal Entity Identifier (LEI) 213800HFA633NACOEZ72
Date, nature of the decision and date of entry into force	Decision No 230/1/15.5.2017 of the Credit and Insurance Committee of the Bank of Greece concerning: (a) the final withdrawal of the authorisation of the insurance undertaking and its placing under winding-up proceedings; (b) the prohibition of the free disposal of its assets; (c) the termination of the work of the appointed Insurance Administrator. Entry into force: as of the adoption date (15 May 2017) End of validity: not specified
Competent authorities	Bank of Greece Address: E. Venizelou 21 10250 Athens GREECE
Supervisory authorities	Bank of Greece Address: E. Venizelou 21 10250 Athens GREECE
Insurance liquidator	Sotirios Vasilopoulos (father's name: Ilias), appointed by decision 231/1/15.5.2017 of the Credit and Insurance Committee
Applicable law	Greek law in accordance with Articles 109, 110, 114, 226 and 235 of Law 4364/2016.

Opening of winding-up proceedings of an insurance undertaking

Decision to withdraw the authorisation of 'INTERNATIONAL LIFE General Insurance SA' and open winding-up proceedings

(Publication in accordance with Article 280 of Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II))

(2017/C 191/06)

Insurance undertaking	'INTERNATIONAL LIFE General Insurance SA', registered office at Kifisias 7 & Neapoleos 2, 15123 Marousi, General Commercial Register (GEMI) No 000314501000, Tax Identification Number (TIN) 094130304, Legal Entity Identifier (LEI) 213800NED3OUL1K2V349
Date, nature of the decision and date of entry into force	Decision No 230/2/15.5.2017 of the Credit and Insurance Committee of the Bank of Greece concerning: (a) the final withdrawal of the authorisation of the insurance undertaking and its placing under winding-up proceedings; (b) the prohibition of the free disposal of its assets; (c) the termination of the work of the appointed Insurance Administrator. Entry into force: as of the adoption date (15 May 2017) End of validity: not specified
Competent authorities	Bank of Greece Address: E. Venizelou 21 10250 Athens GREECE
Supervisory authorities	Bank of Greece Address: E. Venizelou 21 10250 Athens GREECE
Insurance liquidator	Sotirios Vasilopoulos (father's name: Ilias), appointed by decision 231/2/15.5.2017 of the Credit and Insurance Committee
Applicable law	Greek law in accordance with Articles 109, 110, 114, 226 and 235 of Law 4364/2016.

V

(Announcements)

OTHER ACTS

EUROPEAN COMMISSION

Publication of an amendment application pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(2017/C 191/07)

This publication confers the right to oppose the amendment application pursuant to Article 51 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council [1].

APPLICATION FOR THE APPROVAL OF AN AMENDMENT TO THE PRODUCT SPECIFICATION OF A PROTECTED DESIGNATION OF ORIGIN/PROTECTED GEOGRAPHICAL INDICATION THAT IS NOT MINOR

Application for approval of an amendment in accordance with the first subparagraph of Article 53(2) of Regulation (EU) No 1151/2012

'PERA DELL'EMILIA ROMAGNA'

EU No: PGI-IT-02192 — 28.9.2016

PDO ( ) PGI (X)

1. **Applicant group and legitimate interest**

Centro Servizi Ortofrutticoli

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44040 Ferrara
ITALIA

Tel. +39 0532904511
Fax +39 0532904520
Email: info@csoservizi.com

The 'Centro Servizi Ortofrutticoli' is entitled to submit an amendment application pursuant to Article 13(1) of Ministry of Agricultural, Food and Forestry Policy Decree No 12511 of 14 October 2013.

2. **Member State or Third Country**

Italy

3. **Heading in the product specification affected by the amendment(s)**

— ☐ Product name

— ☒ Product description

— ☒ Geographical area

— ☒ Proof of origin

— ☒ Production method

— ☐ Link

— ☒ Labelling

— ☒ Other [Packaging, Inspection body details]

[1] OJ L 343, 14.12.2012, p. 1.

4. **Type of amendment(s)**

— ☒ Amendment to the product specification of a registered PDO or PGI not to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012.

— ☐ Amendment to the product specification of a registered PDO or PGI for which a Single Document (or equivalent) has not been published not to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012.

5. **Amendment(s)**

Product description

Article 2 of the current product specification

The paragraph:

'The indication "Pera dell'Emilia Romagna" refers exclusively to the fruit of the following pear cultivars: Abate Fetel, Cascade, Conference, Decana del Comizio, Kaiser, Max Red Bartlett, Passa Crassana and Williams'

has been amended as follows:

'The indication "Pera dell'Emilia Romagna" refers exclusively to the fruit of the following pear cultivars: Abate Fetel, Cascade, Conference, Decana del Comizio, Kaiser, Max Red Bartlett, Passa Crassana, Williams, Santa Maria and Carmen'.

In order to complete and update the range of varieties and ensure earlier availability of pears of the 'Pera dell'Emilia Romagna' PGI, the following two early varieties have been added:

— Santa Maria cultivar: The Santa Maria variety has been present in Emilia-Romagna since 1948 and the number of hectares dedicated to cultivating it has increased over the years. Moreover, the inclusion of this variety ensures the availability of pears of the 'Pera dell'Emilia Romagna PGI' over a longer period, as it is an early variety picked in the summer.

— Carmen cultivar: This is an early variety which is produced in increasing quantities in the Emilia-Romagna region. It is a relatively new variety although it is a hybrid of Guyot and Bella di Giugno, two traditional pear varieties. Including this variety in the product specification would increase the period of availability of the product and would bring forward and complete the summer product range, as well as replacing varieties which are no longer cultivated.

On the basis of this amendment, the following sentence of point 4.2 of the summary sheet (OJ C 284, 8.11.2008, p. 7):

'The "Pera dell'Emilia Romagna" PGI is obtained from the Abate Fetel, Cascade, Conference, Decana del Comizio, Kaiser, Max Red Bartlett, Passa Crassana and Williams pear varieties.'

has been amended as follows:

'The "Pera dell'Emilia Romagna" PGI is obtained from the Abate Fetel, Cascade, Conference, Decana del Comizio, Kaiser, Max Red Bartlett, Passa Crassana, Williams, Santa Maria and Carmen pear varieties.'

Article 6 of the current product specification — point 4.2 of the summary sheet

The following text:

'Abate Fetel

Epicarp: light greenish yellow, russeting around the eye cavity and stalk; shape: calebassiform, elongated; size: minimum size 55 mm diameter; sugar content: 13° Bx; maximum firmness: 5; taste: sweet.

Conference

Epicarp: greenish yellow with broad russeting around the eye cavity often affecting the bottom third of the fruit; shape: piriform, often symmetrical; size: minimum diameter: 55 mm; sugar content: over 13° Bx; maximum firmness: 5,5; taste: sweet.

Decana del Comizio

Epicarp: smooth, light greenish yellow, often with a pinkish tinge from the sun, sparse russeting; shape: turbiniform; size: minimum size 55 mm diameter; sugar content: over 13° Bx; maximum firmness: 4,5; taste: sweet scented.

Kaiser

Epicarp: rough, completely russeted; shape: calebassiform/piriform; size: minimum size 55 mm diameter; sugar content: over 13° Bx; firmness: 5,7; taste: fine, succulent and tender pulp with a good taste.

Williams and Max Red Bartlett

Epicarp: smooth, basic yellow colour more or less covered with pink or bright red, sometimes striped; shape: short cydoniform or piriform; size: minimum 60 mm diameter; sugar content: over 12° Bx; maximum firmness: 6,5; taste: sweet scented.

Cascade

Epicarp, shape, size, minimum average weight, sugar content over 13° Bx, firmness, taste as from relevant characteristics.

Passa Crassana

Epicarp, shape, size, sugar content over 13° Bx, maximum firmness, taste as from relevant characteristics.'

is amended as follows:

'Abate Fetel

Epicarp: light greenish yellow, russeting around the eye cavity and stalk;

Shape: calebasse form, fairly elongated;

Size: minimum diameter 60 mm;

Minimum sugar content: 13° Bx;

Maximum firmness: 5 kg/0,5 cm^2.

Conference

Epicarp: greenish yellow with broad russeting around the eye cavity often affecting the bottom third of the fruit;

Shape: piriform, often symmetrical;

Size: minimum diameter: 60 mm;

Minimum sugar content: 13° Bx;

Maximum firmness: 5,5 kg/0,5 cm^2.

Decana del Comizio

Epicarp: smooth, light greenish yellow, often with a pinkish tinge from the sun, sparse russeting;

Shape: turbiniform;

Size: minimum diameter 70 mm;

Minimum sugar content: 13° Bx;

Maximum firmness: 4,5 kg/0,5 cm^2.

Kaiser

Epicarp: rough, completely russeted;

Shape: calebasse form/piriform;

Size: minimum diameter 60 mm;

Minimum sugar content: 13° Bx;

Maximum firmness: 5,5 kg/0,5 cm^2.

Williams and Max Red Bartlett

Epicarp: smooth, basic greenish yellow colour more or less covered with pink or bright red, sometimes striped;

Shape: short cydoniform or piriform;

Size: minimum diameter 60 mm;

Minimum sugar content: 12° Bx;

Maximum firmness: 6,5 kg/0,5 cm^2.

Cascade

Epicarp: light green basic colour with bright red surface colour and russeting on 10-25 % of the surface;

Shape: heterogeneous doliform with vertical and transverse asymmetry;

Size: minimum diameter 60 mm;

Minimum sugar content: 13° Bx;

Maximum firmness: 5,5 kg/0,5 cm^2.

Passa Crassana

Epicarp: compact, green with lenticel russeting;

Shape: maliform, often doliform;

Size: minimum diameter 60 mm;

Minimum sugar content: 13° Bx;

Maximum firmness: 6,5 kg/0,5 cm^2.

Santa Maria

Epicarp: smooth with basic greenish yellow colour;

Shape: piriform or truncated piriform;

Size: minimum diameter 60 mm;

Minimum sugar content: 12° Bx

Maximum firmness: 6 kg/0,5 cm^2.

Carmen

Epicarp: green with rose-coloured surfaces;

Shape: calebasse form, slightly elongated;

Size: minimum diameter 60 mm;

Minimum sugar content: 12° Bx

Maximum firmness: 6 kg/0,5 cm^2.'

In order to ensure a higher level of quality, the minimum required size should be increased. For the Abate Fetel, Conference and Kaiser varieties, the minimum diameter has been increased from 55 to 60 mm. For the Decana del Comizio variety, it has increased from 55 to 70 mm.

The indication of the sugar content has been standardised. Furthermore, it was decided to leave out the description of the taste, as this is a superfluous indication which is purely subjective, cannot be verified and is therefore not relevant to the specification. In order to standardise the descriptions of all the varieties to be included in the product specification, descriptive parameters have been added and/or specified (where missing), with full descriptions being inserted for the Santa Maria and Carmen varieties.

For greater clarity, the unit of measurement for the firmness of the fruit has been specified, namely the ratio between the force (kg) and the pressure exerted by the plunger on the surface of the fruit (cm^2).

Geographical area

Article 3(a) of the current specification

'(a) Province of Reggio Emilia: Casalgrande, Correggio and Rubiera.'

is amended as follows:

'(a) Province of Reggio Emilia: Casalgrande, Reggio Emilia, Correggio, Rubiera, San Martino in Rio and Scandiano.'

Province of Reggio Emilia: The municipalities of Reggio Emilia, San Martino in Rio and Scandiano should be included. Cultivation of the pears is quite significant in these municipalities, especially in the municipality of Reggio Emilia. Moreover, these municipalities are adjacent to and bordering the municipalities already covered by the product specification, including in the Province of Modena, and as such have characteristics of climate and tradition that are very similar to those of the municipalities already included.

Article 3(c) of the current specification

'(c) Province of Ferrara: Argenta, Berra, Bondeno, Cento, Codigoro, Comacchio, Copparo, Ferrara, Formignana, Jolanda di Savoia, Lagosanto, Masi Torello, Massa Fiscaglia, Mesola, Fiscaglia, Migliarino and Migliaro, Mirabello, Ostellato, Poggio Renatico, Portomaggiore, Ro Ferrarese, S. Agostino, Tresigallo, Vigarano Mainarda and Voghiera.'

is amended as follows:

'(c) Province of Ferrara: Argenta, Berra, Bondeno, Cento, Codigoro, Comacchio, Copparo, Ferrara, Formignana, Jolanda di Savoia, Lagosanto, Masi Torello, Mesola, Fiscaglia, Mirabello, Ostellato, Poggio Renatico, Portomaggiore, Ro Ferrarese, S. Agostino, Tresigallo, Vigarano Mainarda and Voghiera.'

Province of Ferrara: It is specified that the correct name of the municipality of Ro is Ro Ferrarese. Additionally, the municipality of Fiscaglio was established on 1 January 2014 by merging the adjoining municipalities of Massa Fiscaglia, Migliarino and Migliaro. The three municipalities previously indicated have been replaced in their entirety by the municipality of Fiscaglia, with no change to the area covered by the specification.

Article 3(d) of the current specification

'(d) Province of Bologna: Anzona dell'Emilia, Argelato, Baricella, Bazzano, Bentivoglio, Budrio, Calderara di Reno, Castello d'Argile, Castelguelfo, Castelmaggiore, Crespellano, Crevalcore, Galliera, Granarolo dell'Emilia, Malalbergo, Medicina, Minerbio, Molinella, Mordano, Pieve di Cento, S. Agata Bolognese, S. Giorgio di Piano, S. Giovanni in Persiceto, S. Pietro in Casale and Sala Bolognese.'

is amended as follows:

'(d) Province of Bologna: Anzola dell'Emilia, Argelato, Baricella, Valsamoggia — Loc. Bazzano, Bentivoglio, Budrio, Calderara di Reno, Castel d'Argile, Castelguelfo, Castelmaggiore, Valsamoggia — Loc. Crespellano, Crevalcore, Galliera, Granarolo dell'Emilia, Malalbergo, Medicina, Minerbio, Molinella, Mordano, Pieve di Cento, S. Agata Bolognese, S. Giorgio di Piano, S. Giovanni in Persiceto, S. Pietro in Casale and Sala Bolognese.'

Province of Bologna: A clerical error in respect of the municipality of Anzola dell'Emilia has been corrected; the correct name is Anzola dell'Emilia and not Anzona dell'Emilia. As regards the municipality of Valsamoggia, this too was established from 1 January 2014, in the Province of Bologna, by merging the adjoining municipalities of Bazzano, Castello di Serravalle, Crespellano, Monteveglio and Savigno. Therefore, in order to update the information with the correct place names, the name of the municipality was inserted before the place names Bazzano and Crespellano. Here too, the production areas have remained unchanged.

Article 3(e) of the current specification

'(e) Province of Ravenna: Alfonsine, Bagnacavallo, Conselice, Cotignola, Castelbolognese, Faenza, Fusignano, Lugo, Massalombarda, Ravenna, Russi, S. Agata sul Santerno and Solarolo.'

is amended as follows:

'(e) Province of Ravenna: Alfonsine, Bagnacavallo, Bagnara di Romagna, Conselice, Cotignola, Castelbolognese, Faenza, Fusignano, Lugo, Massalombarda, Ravenna, Russi, S. Agata sul Santerno and Solarolo.'

Province of Ravenna: The municipality of Bagnara di Romagna, located in the Province of Ravenna and completely surrounded by municipalities already included in the specification (Massalombarda, Lugo, Cotignola, Solarolo and Mordano) is to be included in the geographical area. This municipality is well suited to the cultivation of pears and, because of its particular location, has characteristics of climate and tradition that are very similar to those of the municipalities already included.

Production method

Article 4 of the current product specification

The sentence:

'The use of irrigation, fertilisation practices and other growing and agronomic techniques must comply with the technical arrangements laid down by the competent services of the Emilia Romagna Region.'

has been deleted.

The part relating to growing and agronomic techniques has been deleted on the grounds that this is a prerequisite that all holdings must comply with. In fact, regulatory developments and the binding nature of certain requirements mean that certain criteria are inevitably complied with. It is therefore considered unnecessary to indicate it in the specification.

The sentence:

'The planting distances allowed are those generally used, with a density of a maximum of 3 000 plants per hectare possible for new plantations.'

is amended as follows:

'The planting distances allowed are those generally used, with a density of a maximum of 6 000 plants per hectare possible for new plantations.'

Technological development and innovation, supported by the availability of new rootstocks, allows the cultivation of pear trees planted in much higher densities than in the past. Recent developments in growing techniques have made it possible to increase the number of plants per hectare in order to reduce the unproductive periods of plantations and to standardise and improve product quality. Although no exact number of plants per hectare has been set, the threshold of 6 000 plants seems a reasonable limit that makes it possible to maintain a high quality product, while also respecting the traditional methods of cultivation.

The sentence:

'The growing techniques must include at least a winter pruning and two prunings in the growing season.'

has been deleted.

The restriction regarding the number of prunings is removed in order to give farmers the option to carry out the most appropriate number of prunings based on requirements and compliance with good cultivation and farming practices.

The sentence:

'Maximum production per hectare is 45 000 kg for all allowed cultivars'.

is amended as follows:

'Maximum production per hectare is 55 000 kg for all allowed cultivars'.

The sentence:

'Taking into account seasonal developments and environmental growing conditions, the Emilia-Romagna Region sets, every year by 15 July, an indicative average unit production within the above limit for each cultivar specified in Article 2.'

has been deleted.

This is an outdated provision which has been superseded by current legislation.

The sentences:

'The values for humidity and temperature inside the cold stores must be between 4 and 6 °C. Varieties to be marketed in the spring must be stored in a controlled atmosphere.'

have been deleted.

It is not deemed necessary to specify the temperatures given that it has already been indicated that the technique of refrigeration must be used. The storage temperatures laid down in the current specification make optimal storage of the product difficult. The temperatures are suitable for pre-cooling and as such are not suited to proper storage of the product in a cold store and thus to maintaining its quality and organoleptic characteristics. Furthermore, the reference to the storage of varieties to be marketed in the spring in a controlled atmosphere has been deleted in order to allow producers to use other storage techniques.

Proof of origin

Article 5 of the current product specification

The following text:

'The Emilia-Romagna Region shall verify that the appropriate technical conditions referred to in Article 4 above are met. Pear trees suitable for producing "Pera dell'Emilia Romagna" shall be entered in the appropriate register, which is set up, updated and published annually. A copy of this register shall be lodged with each of the municipalities located within the production area. The Ministry of Agricultural, Food and Forestry Resources shall indicate the procedures to follow in relation to registration, reporting of annual production and obtaining the corresponding certification, in order to ensure proper and appropriate monitoring of annually recognised production marketed under the protected geographical indication.'

has been deleted and replaced by the following:

'Each stage in the production process is monitored, with all inputs and outputs recorded. The traceability of the product is guaranteed in this way, as well as by entering the land registry plots on which the product is grown and the producers and packers in lists managed by the inspection body, and by declaring to the inspection body the quantities produced. All natural and legal persons recorded in the relevant lists are subject to checks by the inspection body, according to the terms of the specification and the corresponding inspection plan.'

The article on the proof of origin has been entirely replaced and adapted as the original article referred to methodologies and instruments that are no longer in force. The new article reflects the procedures provided for by the current control systems.

Packaging and labelling

Article 7 of the current product specification

The paragraph:

'When marketed for consumption, the "Pera dell'Emilia Romagna" must be packaged in any type of packaging conforming to Community rules in force; this includes:

60 × 80, 80 × 120, 100 × 120 bins — multiple layers with vents,

30 × 40 cardboard, wood and plastic trays — single or multiple layers,

40 × 60 cardboard, wood and plastic trays — single or multiple layers,

20 × 30 trays — single layer and bulk,

sealed packaging (small trays, punnets, boxes, etc.) with one or more fruits.'

is amended as follows:

'When marketed for consumption, the "Pera dell'Emilia Romagna" must be packaged in any type of packaging conforming to Community rules in force.'

The references to the different types of packaging are deleted given that the article only lists them by way of example and considering that it already specifies that the packages must comply with the rules in force.

The sentence:

'When packaged in trays and bins, the PGI product is identified by individual stickers with the appropriate logo on at least 70 % of the fruit in the package.'

is amended and added to as follows:

'When packaged in trays and bins, the PGI product is identified by individual stickers on at least 70 % of the fruit in the package.

Alternatively, if there are no stickers on the pears, the packages, such as trays and bins for example, must be sealed so as to prevent the contents from being removed without breaking the seal.

It is also permitted to sell the loose product at the point of sale from packaging or crates that are sealed or that contain stickered fruit, provided that the product has been placed in specific compartments or containers prominently displaying the same information required for the packaging referred to in the product specification.'

As regards labelling, it is considered sufficient to state that stickers will be applied to the fruit; the wording 'with the appropriate logo' is therefore deleted. Furthermore, in order to ensure traceability for the consumer, two further cases have been included and better specified:

(1) Case where there are no stickers on the fruit: to ensure identification it is considered necessary to specify that packaging must be sealed so as to prevent the contents from being removed without breaking the seal.

(2) Case where product is sold loose: instructions have been added to allow the product to be sold loose while ensuring identification.

The sentence:

'The product shall be placed on the market in the period between 10 August and 31 May of the following year.'

is amended as follows:

'The product shall be placed on the market in the period between 25 July and 31 May of the following year.'

The amendment is closely connected to the fact that two earlier varieties, Santa Maria and Carmen, have been added to the specification. It is thus considered appropriate to adjust the marketing period by bringing it forward to 25 July.

The paragraph:

'Containers must be marked with the words "Pera dell'Emilia Romagna" in printed letters of the same size, followed by the indication of the cultivar and the wording "Protected Geographical Indication" immediately below. The name, business name and address of the packager, as well as the original gross weight, must appear in the same field of vision.'

is amended as follows:

'Containers must be marked with the words "Pera dell'Emilia Romagna", immediately followed by the wording "Protected Geographical Indication" or the acronym "PGI" and the name of the cultivar. The name, business name and address of the packager must appear in the same field of vision.'

The following aspects have been indicated correctly and more clearly:

(1) Indication of wording: This is not a substantive amendment, but the correct order of the wording has been specified ('Pera dell'Emilia Romagna', immediately followed by the wording 'Protected Geographical Indication' or the acronym 'PGI' and the name of the cultivar).

(2) Indication of weight: Current provisions on labelling require the net weight and not the gross weight to be indicated. As this is a legislative requirement and as such compulsory for everyone, it is considered appropriate to delete this indication.

The following paragraph has been deleted:

'At the request of the producers concerned, a graphic symbol may be used. This symbol shall correspond to the graphic image, including any reference colours, of the figurative or specific and unambiguous logo, which must always be used in conjunction with the geographical indication.'

It is considered appropriate to delete this passage from the text given that the graphic symbol is not provided in the specification.

The sentence:

'The indication "made in Italy" must also appear on batches intended for export.'

has been deleted.

It is considered appropriate to delete this sentence as such indication is compulsory pursuant to the legislative provisions in force.

Other (Inspection body details)

The details of the inspection body have been added to the specification.

SINGLE DOCUMENT

'PERA DELL'EMILIA ROMAGNA'

EU No: PGI-IT-02192 — 28.9.2016

PDO ( ) PGI (X)

1. **Name**

'Pera dell'Emilia Romagna'

2. **Member State or Third Country**

Italy

3. **Description of the agricultural product or foodstuff**

3.1. *Type of product*

Class 1.6. Fruit, vegetables and cereals, fresh or processed

3.2. *Description of product to which the name in (1) applies*

The 'Pera dell'Emilia Romagna' PGI is obtained from the Abate Fetel, Cascade, Conference, Decana del Comizio, Kaiser, Max Red Bartlett, Passa Crassana, Williams, Santa Maria and Carmen pear varieties.

At the time of being sent for consumption, the 'Pera dell'Emilia Romagna' PGI must display the following characteristics:

Abate Fetel

Epicarp: light greenish yellow, russeting around the eye cavity and stalk; shape: calebasse form, fairly elongated; size: minimum diameter 60 mm; minimum sugar content: 13° Bx; maximum firmness: 5 kg/0,5 cm^2.

Conference

Epicarp: greenish yellow with broad russeting around the eye cavity often affecting the bottom third of the fruit; shape: piriform, often symmetrical; size: minimum diameter: 60 mm; minimum sugar content: 13° Bx; maximum firmness: 5,5 kg/0,5 cm^2.

Decana del Comizio

Epicarp: smooth, light greenish yellow, often with a pinkish tinge from the sun, sparse russeting; shape: turbiniform; size: minimum diameter 70 mm; minimum sugar content: 13° Bx; maximum firmness: 4,5 kg/0,5 cm^2.

Kaiser

Epicarp: rough, completely russeted; shape: calebasse form/piriform;

size: minimum diameter 60 mm; minimum sugar content: 13° Bx; maximum firmness: 5,5 kg/0,5 cm^2.

Williams and Max Red Bartlett

Epicarp: smooth, basic greenish yellow colour more or less covered with pink or bright red, sometimes striped; shape: short cydoniform or piriform; size: minimum diameter 60 mm; minimum sugar content: 12° Bx; maximum firmness: 6,5 kg/0,5 cm^2.

Cascade

Epicarp: light green basic colour with bright red surface colour and russeting on 10-25 % of the surface; shape: heterogeneous doliform with vertical and transverse asymmetry; size: minimum diameter 60 mm; minimum sugar content: 13° Bx; maximum firmness: 5,5 kg/0,5 cm^2.

Passa Crassana

Epicarp: compact, green with lenticel russeting; shape: maliform, often doliform; size: minimum diameter 60 mm; minimum sugar content: 13° Bx; maximum firmness: 6,5 kg/0,5 cm^2.

Santa Maria

Epicarp: smooth with basic greenish yellow colour; shape: piriform or truncated piriform; size: minimum diameter 60 mm; minimum sugar content: 12° Bx; maximum firmness: 6 kg/0,5 cm^2.

Carmen

Epicarp: green with rose-coloured surfaces; shape: calebasse form, slightly elongated; size: minimum diameter 60 mm; minimum sugar content: 12° Bx; maximum firmness: 6 kg/0,5 cm^2.

3.3. *Feed (for products of animal origin only) and raw materials (for processed products only)*

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3.4. *Specific steps in production that must take place in the identified geographical area*

All stages, from growing to harvesting, must take place in the area defined in point 4.

3.5. *Specific rules concerning the slicing, grating, packaging, etc. of the product the registered name refers to*

When packaged in trays and bins, the PGI product is identified by individual stickers on at least 70 % of the fruit in the package.

Alternatively, if there are no stickers on the pears, the packages, such as trays and bins for example, must be sealed so as to prevent the contents from being removed without breaking the seal.

It is also permitted to sell the loose product at the point of sale from packaging or crates that are sealed or that contain stickered fruit, provided that the product has been placed in specific compartments or containers prominently displaying the same information required for the packaging referred to in the product specification.

3.6. *Specific rules concerning labelling of the product the registered name refers to*

Subject to relevant rules in force, the following wording must appear on the packaging:

'Pera dell'Emilia Romagna' — Protected Geographical Indication — as well as details of the name, business name and address of the packager, its trading category and size.

4. **Concise definition of the geographical area**

(a) Province of Reggio Emilia: Casalgrande, Reggio Emilia, Correggio, Rubiera, San Martino in Rio and Scandiano.

(b) Province of Modena: Bastiglia, Bomporto, Campogalliano, Camposanto, Carpi, Castelfranco Emilia, Castelnuovo Rangone, Cavezzo, Concordia sulla Secchia, Finale Emilia, Formigine, Medolla, Mirandola, Modena, Nonantola, Novi di Modena, Ravarino, S. Cesario sul Panaro, S. Felice sul Panaro, S. Possidonio, S. Prospero, Savignano sul Panaro, Soliera, Spilamberto and Vignola.

(c) Province of Ferrara: Argenta, Berra, Bondeno, Cento, Codigoro, Comacchio, Copparo, Ferrara, Formignana, Jolanda di Savoia, Lagosanto, Masi Torello, Mesola, Fiscaglia, Mirabello, Ostellato, Poggio Renatico, Portomaggiore, Ro Ferrarese, S. Agostino, Tresigallo, Vigarano Mainarda and Voghiera.

(d) Province of Bologna: Anzola dell'Emilia, Argelato, Baricella, Valsamoggia — Loc. Bazzano, Bentivoglio, Budrio, Calderara di Reno, Castello d'Argile, Castelguelfo, Castelmaggiore, Valsamoggia — Loc. Crespellano, Crevalcore, Galliera, Granarolo dell'Emilia, Malalbergo, Medicina, Minerbio, Molinella, Mordano, Pieve di Cento, Sant'Agata Bolognese, S. Giorgio di Piano, S. Giovanni in Persiceto, S. Pietro in Casale and Sala Bolognese.

(e) Province of Ravenna: Alfonsine, Bagnacavallo, Bagnara di Romagna, Conselice, Cotignola, Castelbolognese, Faenza, Fusignano, Lugo, Massalombarda, Ravenna, Russi, Sant'Agata sul Santerno and Solarolo.

5. **Link with the geographical area**

The character of the 'Pera dell'Emilia Romagna' PGI stems directly from the soil and climatic conditions and the professionalism of the operators in the production area. These factors help to produce the distinctive chemico-physical and organoleptic qualities of the pears sold on markets in Italy and elsewhere in Europe as typical produce of Emilia-Romagna. Since the pear trees are very sensitive to frost, they are grown in an area (as defined) in which annual average temperatures are higher than in the region as a whole, with lower average rainfall. The soil is rich in organic substances as a result of alluvial deposits in the past from the River Po. The defined area is eminently suitable for producing pears — so much so, in fact, that it is responsible for about half of Italy's total production in the sector.

Reference to publication of the specification

(second subparagraph of Article 6(1) of this Regulation)

The Ministry launched the national objection procedure with the publication of the proposal for recognising 'Pera dell'Emilia Romagna' as a protected geographical indication in Official Gazette of the Italian Republic No 187 of 11 August 2016.

The consolidated text of the product specification is available on the internet: http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3335

or alternatively:

by going directly to the home page of the Ministry of Agricultural, Food and Forestry Policy (www.politicheagricole.it) and clicking on 'Prodotti DOP e IGP' (at the top right of the screen), then on 'Prodotti DOP, IGP e STG' (on the left-hand side of the screen) and finally on 'Disciplinari di produzione all'esame dell'UE'.

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