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⁽¹⁾ Text with EEA relevance.

II

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

EUROPEAN COMMISSION

COMMISSION NOTICE

Measures considered equally effective to Article 4 of the Anti-Tax Avoidance Directive

(2018/C 441/01)

1. General remarks

Article 4 of the Anti-Tax-Avoidance Directive (hereinafter ATAD) ⁽¹⁾ requires the Member States to introduce interest limitation rules that shall be transposed into national law by 31 December 2018 ⁽²⁾.

According to Article 11(6) ATAD '(...) Member States which have national targeted rules for preventing base erosion and profit shifting (BEPS) risks at 8 August 2016, which are equally effective to the interest limitation rule set out in this Directive, may apply these targeted rules until the end of the first full fiscal year following the date of publication of the agreement between the Organisation for Economic Cooperation and Development (OECD) members on the official website on a minimum standard with regard to BEPS Action 4, but at the latest until 1 January 2024'.

Article 10(3) ATAD provides that 'Member States referred to in Article 11(6) shall communicate to the Commission before 1 July 2017 all information necessary for evaluating the effectiveness of the national targeted rules for preventing BEPS risks'.

2. Measures considered equally effective to Article 4 ATAD

The Commission services consider the following rules, as notified by the Member State concerned, to be 'equally effective' to the interest limitation rules in Article 4 ATAD. The Member States concerned may continue to apply these rules in accordance with Article 11(6) ATAD:

- Greece — Article 49 of Law 4172/2013,
- France — Article 212 bis of 'code général des impôts ("rabort")',
- Slovakia — Section 21a of Act No 595/2003 Coll,
- Slovenia — Article 32 of 'zakon o davku od dohodkov pravnih oseb' (ZDDPO-2), and
- Spain — (1) Articles 16 and 63 of 'Ley 27/2014, Del Impuesto Sobre Sociedades (territorio comun)' and (2) Article 24 of 'Ley Foral 26/2016, Del Impuesto Sobre Sociedades (Navarra)'.

3. Criteria for Assessment of equal effectiveness

On the basis of the benchmarks set out in ATAD, the Commission Services assessed (1) the legal similarity and (2) the economic equivalence of the measures notified by Member States.

The basic assumption for the examination of legal equivalence of the notified measures was that only the measures which ensure limitation on deductibility of exceeding borrowing costs in relation to factors of taxpayer's profitability may be primarily regarded as equally effective in targeting excessive interest deductions.

⁽¹⁾ Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market (OJ L 193, 19.7.2016, p. 1).

⁽²⁾ By virtue of Article 11(1) ATAD.

The analysis of economic equivalence of the notified rules and Article 4 ATAD involved two criteria.

First, the notified measure should, as a minimum requirement, not produce significantly less revenue than the interest limitation rule on the basis of Article 4 ATAD.

Second, the notified national measure was deemed 'equally effective' to Article 4 ATAD when its application would lead to a similar or higher tax liability for a majority of large undertakings (all firms except small and medium-sized enterprises) as compared with the estimated result under the ATAD interest limitation rule.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

COUNCIL

**The EU list of non-cooperative jurisdictions for tax purposes — Report by the Code of Conduct
Group (Business Taxation) suggesting amendments to Annex II of the Council conclusions of
5 December 2017**

(2018/C 441/02)

With effect from the day of publication in the *Official Journal of the European Union*, Annex II of the Council conclusions of 5 December 2017 on the EU list of non-cooperative jurisdictions for tax purposes ⁽¹⁾, as amended in January ⁽²⁾, March ⁽³⁾, May ⁽⁴⁾, October ⁽⁵⁾ and November ⁽⁶⁾ 2018, is replaced by the following:

‘ANNEX II

**State of play of the cooperation with the EU with respect to commitments taken to implement tax
good governance principles****1. Transparency****1.1. Commitment to implement the automatic exchange of information, either by signing the Multilateral Competent Authority Agreement or through bilateral agreements**

The following jurisdictions are committed to implement automatic exchange of information by 2018:

Antigua and Barbuda, Curaçao, Dominica, Grenada, Marshall Islands, New Caledonia, Oman, Palau, Qatar and Taiwan

The following jurisdictions are committed to implement automatic exchange of information by 2019:

Turkey**1.2. Membership of the Global Forum on transparency and exchange of information for tax purposes and satisfactory rating**

The following jurisdictions are committed to become member of the Global Forum and/or have a satisfactory rating by 2018:

Anguilla, Curaçao, Marshall Islands, New Caledonia and Palau

The following jurisdictions are committed to become member of the Global Forum and/or have a sufficient rating by 2019:

Fiji, Jordan, Namibia, Turkey and Vietnam

⁽¹⁾ OJ C 438, 19.12.2017, p. 5.

⁽²⁾ OJ C 29, 26.1.2018, p. 2.

⁽³⁾ OJ C 100, 16.3.2018, p. 4 and OJ C 100, 16.3.2018, p. 5.

⁽⁴⁾ OJ C 191, 5.6.2018, p. 1.

⁽⁵⁾ OJ C 359, 5.10.2018, p. 3.

⁽⁶⁾ OJ C 403, 9.11.2018, p. 4.

1.3. *Signatory and ratification of the OECD Multilateral Convention on Mutual Administrative Assistance or network of agreements covering all EU Member States*

The following jurisdictions are committed to sign and ratify the MAC or to have in place a network of agreements covering all EU Member States by 2018:

Antigua and Barbuda, Dominica, New Caledonia, Oman, Palau, Qatar and Taiwan

The following jurisdictions are committed to sign and ratify the MAC or to have in place a network of agreements covering all EU Member States by 2019:

Armenia, Bosnia and Herzegovina, Botswana, Cabo Verde, Eswatini, Fiji, Former Yugoslav Republic of Macedonia, Jamaica, Jordan, Maldives, Mongolia, Montenegro, Morocco, Namibia, Serbia, Thailand and Vietnam

2. **Fair Taxation**

2.1. *Existence of harmful tax regimes*

The following jurisdictions are committed to amend or abolish the identified regimes by 2018:

Antigua and Barbuda, Aruba, Barbados, Belize, Botswana, Cabo Verde, Cook Islands, Curacao, Dominica, Fiji, Grenada, Hong Kong SAR, Jordan, Korea (Republic of), Labuan Island, Macao SAR, Malaysia, Maldives, Mauritius, Morocco, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Switzerland, Taiwan, Thailand, Tunisia, Turkey and Uruguay

The following jurisdiction is committed to amend or abolish the identified regimes within 12 months after the day of publication in the *Official Journal of the European Union*:

Namibia

2.2. *Existence of tax regimes that facilitate offshore structures which attract profits without real economic activity*

The following jurisdictions are committed to addressing the concerns relating to economic substance by 2018:

Anguilla, Bahamas, Bahrain, Bermuda, British Virgin Islands, Cayman Islands, Guernsey, Isle of Man, Jersey, Marshall Islands, Turks and Caicos Islands, United Arab Emirates and Vanuatu

3. **Anti-BEPS Measures**

3.1. *Membership of the Inclusive Framework on BEPS or implementation of BEPS minimum standards*

The following jurisdictions are committed to become member of the Inclusive Framework or implement BEPS minimum standard by 2018:

Cook Islands, Faroe Islands, Greenland, Marshall Islands, New Caledonia, Palau, Taiwan and Vanuatu

The following jurisdictions are committed to become member of the Inclusive Framework or implement BEPS minimum standard by 2019:

Albania, Armenia, Bosnia and Herzegovina, Cabo Verde, Eswatini, Fiji, Jordan, Montenegro, Morocco and Namibia

The following jurisdictions are committed to become member of the Inclusive Framework or implement BEPS minimum standard if and when such commitment will become relevant:

Nauru, Niue.

Council conclusions on the role of youth work in the context of migration and refugee matters

(2018/C 441/03)

THE COUNCIL OF THE EUROPEAN UNION,

TAKES NOTE OF:

1. Article 165(2) of the Treaty on the Functioning of the European Union ⁽¹⁾, which states that Union action shall be aimed at ‘encouraging the participation of young people in democratic life in Europe’.
2. Article 79(4) and (5) of the Treaty on the Functioning of the European Union ⁽²⁾, which states that the European Parliament and Council may establish measures to provide incentives to promote the integration of third-country nationals, excluding any harmonization of laws and regulations of the Member States. The right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work shall not be affected.
3. The Charter of Fundamental Rights of the European Union ⁽³⁾, especially the principles recognized, inter alia, in Articles 21 (Non-discrimination), 23 (Equality between men and women) and 24 (The rights of the child).
4. The Renewed Framework for European cooperation in the youth field (2010-2018) ⁽⁴⁾ and the current Work Plan for Youth (2016-2018) ⁽⁵⁾.
5. The Communication from the Commission ‘Europe 2020’ as endorsed by the European Council which recognizes the ‘role of youth work as a provider of non-formal learning opportunities to all young people’ ⁽⁶⁾.
6. The Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council, on Youth work ⁽⁷⁾, which calls for better understanding of and an enhanced role, specifically in relation to the promotion, support and development of youth work on a range of levels.
7. The Declaration on Promoting citizenship and the common values of freedom, tolerance and non-discrimination through education (Paris Declaration 2015) ⁽⁸⁾.
8. The Recommendation CM/Rec (2016)7 of the Committee of Ministers of the Council of Europe on Young People’s Access to Rights ⁽⁹⁾.
9. The Communication from European Commission on an Action Plan on the integration of Third Country Nationals ⁽¹⁰⁾.
10. The Communication from European Commission on the protection of children in migration ⁽¹¹⁾, and the Council Conclusions on the promotion and protection of the rights of the child ⁽¹²⁾, where is stressed the need to protect all children, regardless of their status, and give primary consideration at all times to the best interests of the child, including unaccompanied children and those separated from their families, in full compliance with the UN Convention on the Rights of the Child and its Optional Protocol.
11. The policy recommendations of the EU Expert Group on ‘Youth work for refugees and young third country nationals’.

⁽¹⁾ OJ C 115, 9.5.2008, p. 13. See Article 165(2). ex Article 149 TEC.

⁽²⁾ OJ C 115, 9.5.2008, p. 13. See Article 79(4), ex Article 63, points 3 and 4, TEC.

⁽³⁾ OJ C 364, 18.12.2000, p. 1.

⁽⁴⁾ OJ C 311, 19.12.2009, p. 1.

⁽⁵⁾ OJ C 417, 15.12.2015, p. 1.

⁽⁶⁾ EUROPE 2020 Strategy, 3.3.2010, <http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%202007%20-%20Europe%202020%20-%20EN%20version.pdf>

⁽⁷⁾ OJ C 202, 7.6.2016, p. 389.

⁽⁸⁾ Paris Declaration, 17th March, 2015, http://ec.europa.eu/education/news/20150316-paris-education_en

⁽⁹⁾ <https://rm.coe.int/1680702b6e>

⁽¹⁰⁾ COM(2016) 377 final, 7.6.2016.

⁽¹¹⁾ COM(2017) 211 final, 12.4.2017.

⁽¹²⁾ 7775/17, 3.4.2017.

RECOGNISES THAT:

1. Youth work is a broad term covering a large scope of activities of a social, cultural, educational or political nature by, with and for young people. The activities also include sport and services for young people. Youth work belongs to the area of 'out of school' education, as well as specific leisure time activities managed by professional or voluntary youth workers ⁽¹⁾ and youth leaders and is based on non-formal learning processes and on voluntary participation ⁽²⁾. Youth work is quintessentially a social practice, working with young people and the societies in which they live, facilitating young people's active participation and inclusion in their communities and in decision making ⁽³⁾.
2. The focus of youth work is young people, who are the centre of all related policies, methods and activities. Young people, including young refugees and other third country nationals ⁽⁴⁾ are deemed to be competent individuals with abilities and strengths, capable of shaping their future.
3. The realities and practices of youth work vary, depending on the local, regional and national context. All forms of proposed cooperation are intended to support this diverse picture and do not aim to limit it through harmonization.
4. Among the guiding principles of youth work are the importance of promoting European values, gender equality and combating all forms of discrimination, respecting the rights and observing the principles of the Charter of Fundamental Rights of the European Union, taking into account of possible differences in the living conditions, needs, aspirations, interest and attitudes of young people due to various factors and recognizing all young people as a resource to society ⁽⁵⁾. The ability of youth work to be responsive to individuals is of particular value in recognizing the abilities and strengths of young people with fewer opportunities.
5. Special attention should be given to young refugees and other third country nationals risking multiple marginalization based on their migrant background in combination with other possible grounds of discrimination, such as their ethnic origin, sex, sexual orientation, disability, religion, belief or political opinion.
6. The aim of youth work is to achieve positive destinations in the transition from adolescence to adulthood ⁽⁶⁾. Young people, including young refugees and other third country nationals, are individuals experiencing this transition period. Youth work aims to include all young people into society, while also offering tools and opportunities to enable them to influence society as active citizens. This inclusive nature of youth work should be applied to support the inclusion of young refugees and third country nationals into the new hosting society, while respectfully being aware that their inclusion process starts from a different point than that of local young people.
7. Youth work is also described as an educational partnership between young people and youth workers ⁽⁶⁾. This learning takes place in a non-formal and informal environment. Youth work seeks to broaden the horizons of young people who are involved in its activities, to promote participation, and to invite social commitment of young people, in particular by offering opportunities to become active, by encouraging young persons to be critical and creative in their responses to their experiences and the world around them ⁽⁷⁾. In providing this support for young refugees and other third country nationals, youth work communicates the hosting society's cultural understandings and values to the target group and vice versa in an intercultural learning approach.

⁽¹⁾ 'Youth worker' as defined in the Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+: the Union Programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347, 20.12.2013, p. 50).

⁽²⁾ According to Council resolution on a renewed framework for European cooperation in the youth field (November 2009) (OJ C 311, 19.12.2009, p. 1).

⁽³⁾ Council of Europe, Standards of Youth Work, <https://www.coe.int/en/web/youth/youth-work1>

⁽⁴⁾ 'Young refugees and other third country nationals' within the scope of these Council conclusions, and in the context of migration and refugee matters, are young women and men up to the age of 30, legally residing in an EU Member State.

⁽⁵⁾ OJ C 327, 4.12.2010, p. 1.

⁽⁶⁾ www.ed.ac.uk/education/rke/making-a-difference/understanding-value-of-universal-youth-work

⁽⁷⁾ According to National Occupational Standards for Youth Work Scotland, Lifelong Learning UK www.youthworkessentials.org/up-running/what-is-youth-work.aspx

8. Participating in and shaping of activities and projects in youth work enhances skills, abilities and capacities of all actors involved: young people, including young refugees and other third country nationals, as well as youth workers. Young people choose to be involved in activities of youth work, not least because they want to relax, meet friends, make new relationships, to have fun and to find support ⁽¹⁾. Therefore, youth work spaces need to provide respect and fun and create a welcoming, participatory, gender-balanced and democratically structured environment, where respect of others, for diversity, human rights and democratic values can be experienced in practice. In such safe and non-discriminatory environments, without the need for registration or financial contribution, where individual differences are respected by focusing on supporting and strengthening the trust young persons have in themselves, young people shall be able to develop and test their views, make mistakes and learn from them and their peers.
9. Having the opportunity to be part of a diverse social network with this offer of autonomous and voluntary participation can be a decisive factor for active participation in society. Youth work activities are chosen according to the life realities and needs of young people and are based on respect- and trust-based relationships of young people and youth workers. The start and end of these relationships should not be defined by an external factor, but only by the initiative of the young person, including young refugees and other third country nationals.
10. Youth work methods provide youth workers and young people, including young refugees and other third country nationals, with skills to gather unbiased information, and enable them to strengthen their ability for self-reflection, intercultural awareness, critical thinking and resilience.
11. Youth work helps to develop competencies in the field of conflict prevention.
12. Youth work offers pathways to civic engagement and political participation by providing information about decision-making processes and access to politically responsible actors as well as by practicing democratic structures through active involvement in youth work activities. This voluntary participation in a respectful and informal setting may provide a positive sense of identity and belonging to young refugees and other third country nationals and enable them to contribute to positive change in society.
13. To support young people and broaden the scope of their activities, youth workers should collaborate closely with other actors and stakeholders at a local level. Through information-sharing, networking and cooperation, youth work can open individual access for young people into other areas, such as formal education, labour market, housing or health care. Encouraging young people to use these bridges into other areas is of special importance for youth work with young refugees and other third country nationals.

UNDERScores THAT YOUTH WORK REQUIRES:

A. Knowledge and training

Youth workers need specialized knowledge, skills and competences to engage in long-term relationships with young people, including young refugees and other third country nationals, at all stages of their process; specific knowledge is also required when engaging with unaccompanied minors; knowledge, methods and training need to be based on intercultural awareness and reflection and have to be continuously evaluated and updated according to changing needs and perceptions.

B. Stable framework and spaces

Stable frameworks of legal rights, sustainable space and means, according to local, regional and national quality standards of youth work; this includes safe spaces and possibilities of participation in inclusive forms of youth work activities for young refugees and other third country nationals;

C. Policies

Policies to enable and support the autonomy of young people, including young refugees and other third country nationals, and their active democratic participation in shaping policies;

⁽¹⁾ National Occupational Standards for Youth Work Scotland, Lifelong Learning UK www.youthworkessentials.org/up-running/what-is-youth-work.aspx

D. **Networking and Research**

Various forms of topic-oriented, cross-sector contact and exchange between youth workers and youth stakeholders are essential, both face-to-face as well as online. To continuously improve methods and related policies, unbiased quality information on the needs of the target group and developments in the policy area is needed.

INVITES THE MEMBER STATES, WHILE RESPECTING SUBSIDIARITY, AND INCLUDING REGIONAL AND LOCAL LEVELS WHERE APPROPRIATE, TO:

A. **Improve ‘Knowledge and Training’ by:**

1. encouraging the mapping and dissemination of examples of good practice from various sectors that deal with young refugees and other third country nationals, while recognizing the contribution of these good practices to conflict prevention;
2. providing youth workers with adequate instruments for information and training such as on human rights, legal frameworks on national and local migration and asylum procedures, relevant languages, other local cultures, intercultural dialogue, emotional health and well-being, as well as on safety, security and information on access to psychological support for young people and youth workers, etc.;
3. providing information on positive narratives of integration processes and new role model initiatives, while recognizing that integration begins with the first day of arrival and is a two-way process for young refugees and other third country nationals, as well as their host society. The ‘from-first-day-on information process’ could start with topics linked to European values, human rights, democratic values and gender equality issues;
4. establishing adequate peer training and peer coaching opportunities for young refugees and other third country nationals, as well as for youth workers;
5. increasing the capacity of youth workers to strengthen resilience (their own as well as the target groups’) and, with regard to increasing their well-being and mental health, to facilitate access to basic psychosocial support for young refugees and other third country nationals, as well as for youth workers;
6. training youth workers in facilitating intercultural dialogue on an equal footing between the local population and young refugees and other third country nationals; this includes skills to handle difficult conversations in a supportive and respectful manner and de-escalate or solve conflicts with democratic methods;
7. exploring ways of establishing formal and/or non-formal training approaches for youth workers, who actively work with young refugees and other third country nationals; successful participation should lead to some form of recognition/certification.

B. **Provide and enlarge ‘Stable framework and spaces’ by:**

8. supporting all types of youth work to reach out to young refugees and other third country nationals, to provide them with access to civil society activities and include them, wherever possible, as active participants and peers;
9. providing support and visibility for existing youth organizations or youth initiatives led by young refugees and other third country nationals, active in successful inclusion processes;
10. building networks between existing youth organisations, youth clubs and services that already have good contact, knowledge and expertise in working with young refugees and other third country nationals, and creating a network of actors concerned;
11. enabling ways of active participation for young refugees and other third country nationals in all existing local, regional, national and European youth programmes;
12. supporting the organization of local events and projects which showcase the abilities and talents of the local population (regardless of their backgrounds);

13. empowering youth work structures, wherever possible and applicable, to act as support link between public services, the local population and young refugees and other third country nationals. Therefore, authorities at the responsible level should:
 - a) promote programmes, actions and projects that combat prejudice and stereotypes and address potential fears of the local population;
 - b) promote intercultural- and interreligious dialogue by providing support and visibility;
 - c) create visibility for 'good news' and positive narratives;
 - d) provide programmes, actions and projects to raise awareness of the culture, values and habits of local host societies as well as of the regions of origin of young refugees and other third country nationals;
 - e) create safe spaces where the local community, including young refugees and third country nationals, may engage in respectful dialogue to address, prevent and/or combat discrimination, xenophobia and racist and anti-semitic views. Wherever appropriate, the activities of these safe spaces may be publicised through information and communication media;
 - f) support and acknowledge the contribution of all actors (governmental as well as from non-governmental organizations or private initiatives) engaged in the process;
14. creating safe, child and youth friendly spaces within receiving structures or refugee reception centres, taking into account the principle of the best interest of the child and of young people. These spaces should be operated by youth work staff with adequate skills in cooperation with professionals from other sectors, so that learning of the new host societies rules and values and of the needs and background of young refugees and other third country nationals may begin from the very first day on;

C. Strengthen 'Policies' by:

15. developing strategies and frameworks, where appropriate, on the empowerment and integration of young refugees and other third country nationals, allowing them to become active members of society, also by empowering and supporting them to become youth workers; this can be done by providing training opportunities on democratic values, gender equality and participation issues, as well as granting access to ways of active social and political participation. The training should include reflections on the similarities and differences between the system and values of the host country and those of the country of origin;
16. seeking to establish a clear cooperation framework of the different sectors which are part of the integration process, which clearly defines and values the roles of and synergies between all sectors involved, including youth civil society organisations led by young refugees and other third country nationals;

D. Invest in 'Networking and Research' by:

17. supporting the establishment of a dialogue between youth workers and other professionals of diverse backgrounds and sectors, encountering young refugees and other third country nationals, to identify key issues and opportunities for cooperation and exploring the role youth work could play in capacity-building within these policy areas, while ensuring that youth work and enforcement of legal status decisions remain separate;
18. creating cross-sector networks, partnerships and seminars or conferences, where policy-makers of different sectors, youth workers and young people, including young refugees and other third country nationals, can meet and engage in dialogue;
19. supporting research projects and evidence-based youth work in the sector of migration-related matters;

INVITES THE EUROPEAN COMMISSION TO:

A. Improve 'Knowledge and Training' by:

1. mapping information and training needs within the European youth work sector and providing opportunities for an exchange of information or experience (face-to-face as well as online) at the European level on, amongst others, human rights and asylum issues, intercultural dialogue, relevant languages and building resilience;

2. strengthening opportunities for peer counselling, learning and training of young refugees and other third country nationals, as well as youth workers of diverse backgrounds through providing access to language learning and empowerment, as well as to formal, non-formal and informal learning and mobility programmes;
 3. continuing to identify, support and disseminate at Union level existing and innovative tools, methodologies and examples of good youth work practice in all sectors dealing with migration-related matters;
- B. Provide and enlarge 'Framework and Spaces' by:**
4. taking steps to ensure active participation for young refugees and other third country nationals in existing and future European programmes;
 5. continuing to promote and support cross-sector partnerships and initiatives, in particular between youth work providers, education and training institutions, social and employment services, and social partners that support young people, including young refugees and other third country nationals, to acquire and develop life skills;
- C. Strengthen 'Policies' by:**
6. further promoting and supporting a cross-sector approach in supporting young people, including young refugees and other third country nationals, in developing their talents, as well as in acquiring and developing the necessary competences to facilitate their successful transition to adulthood, active citizenship and working life;
 7. providing available information, where the current life circumstances of young people, especially those of young refugees and other third country nationals, might not be in accordance with the Convention of the Rights of the Child and the Charter of Fundamental Rights of the European Union; and suggest action, where needed, to improve the situation;
- D. Invest in 'Networking and Research' by:**
8. strengthening support for cross-sector dialogue and networking opportunities at the European level (online tools, seminars, conferences) to enable capacity-building for youth workers, stakeholders and peers from the area of migration-related matters;
 9. making use of dialogue instruments on EU level (such as the European Youth Strategy and the European Youth Dialogue, as described in the Commission's Communication 'Engage – Connect – Empower') to create opportunities for exchange and cooperation of stakeholders in the area of migration-related matters;
 10. supporting European research and data evaluation instruments for evidence-based youth work in the area of migration-related matters.
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EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

6 December 2018

(2018/C 441/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,1351	CAD Canadian dollar	1,5229
JPY Japanese yen	128,04	HKD Hong Kong dollar	8,8669
DKK Danish krone	7,4635	NZD New Zealand dollar	1,6517
GBP Pound sterling	0,88930	SGD Singapore dollar	1,5560
SEK Swedish krona	10,2355	KRW South Korean won	1 273,03
CHF Swiss franc	1,1304	ZAR South African rand	15,9797
ISK Iceland króna	138,40	CNY Chinese yuan renminbi	7,8239
NOK Norwegian krone	9,7028	HRK Croatian kuna	7,3965
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	16 481,65
CZK Czech koruna	25,890	MYR Malaysian ringgit	4,7271
HUF Hungarian forint	323,75	PHP Philippine peso	60,012
PLN Polish zloty	4,2881	RUB Russian rouble	75,9421
RON Romanian leu	4,6548	THB Thai baht	37,282
TRY Turkish lira	6,0947	BRL Brazilian real	4,4370
AUD Australian dollar	1,5745	MXN Mexican peso	23,3643
		INR Indian rupee	80,4950

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

**Opinion of the Advisory Committee on Mergers given at its meeting of 20 June 2018 regarding
a draft decision relating to Case M.8451 — Tronox/Cristal**

Rapporteur: Slovenia

(2018/C 441/05)

Operation

1. The Advisory Committee (7 Member States) agrees with the Commission that the notified transaction constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.

Product and geographic market

2. The Advisory Committee (7 Member States) agrees with the Commission's definitions of the relevant product and geographic markets as stated in the draft decision in relation to:
 - 2.1. chloride-based titanium dioxide pigment for use in paper laminate;
 - 2.2. titanium dioxide pigment for use in mass-applications;
 - 2.3. titanium feedstocks; and
 - 2.4. zircon.

Competitive assessment

3. The Advisory Committee (7 Member States) agrees with the Commission's assessment that the notified transaction, as originally proposed by the Notifying Party, is likely to give rise to non-coordinated horizontal effects leading to a significant impediment to effective competition on the EEA-wide market for chloride-based titanium dioxide pigment for use in paper laminate.
4. The Advisory Committee (7 Member States) agrees with the Commission's assessment that the notified transaction is unlikely to give rise to horizontal effects that would lead to a significant impediment to effective competition in the following affected markets:
 - 4.1. the EEA-wide market or markets for titanium dioxide pigment for use in mass applications (coatings and plastics);
 - 4.2. the global market for chloride titanium feedstocks;
 - 4.3. the global market for chloride ilmenite;
 - 4.4. the global market for natural rutile;
 - 4.5. the global market for leucoxene; and
 - 4.6. the global or EEA-wide market for zircon.
5. The Advisory Committee (7 Member States) agrees with the Commission's assessment that the notified transaction is unlikely to give rise to non-horizontal effects that would lead to a significant impediment to effective competition on the markets affected by the following vertically affected links:
 - 5.1. the EEA-wide market for chloride-based titanium dioxide pigment for use in paper laminate *and* the global or EEA-wide market for chloride titanium feedstocks;
 - 5.2. the global market for leucoxene *and* any of the plausible EEA-wide markets for titanium dioxide pigment; and
 - 5.3. the global market for chloride ilmenite *and* any of the plausible EEA-wide markets for titanium dioxide pigment.

Commitments

6. The Advisory Committee (7 Member States) agrees with the Commission's assessment that the final commitments offered by the Notifying Party on 1 June 2018 remove the competition concerns identified by the Commission in relation to the EEA-wide market for chloride-based titanium dioxide pigment for use in paper laminate.

Compatibility with the internal market

7. The Advisory Committee (7 Member States) agrees with the Commission that the notified transaction must therefore be declared compatible with the internal market and the functioning of the EEA Agreement in accordance with Articles 2(2) and 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.
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Final Report of the Hearing Officer ⁽¹⁾**(M.8451 — Tronox/Cristal)**

(2018/C 441/06)

Introduction

1. On 15 November 2017, following referral under Article 4(5) of Council Regulation (EC) No 139/2004 (the 'Merger Regulation'), the Commission received a notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Tronox Limited ('Tronox' or 'the Notifying Party') would acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, control of the titanium dioxide business of The National Titanium Dioxide Company Ltd ('Cristal') by way of a purchase of shares (the 'Proposed Transaction'). For the purposes of this Final Report, Tronox and Cristal are jointly referred to as 'the Parties'.

Procedure

2. The Commission's first phase investigation raised serious doubts as to the compatibility of the Proposed Transaction with the internal market and with the functioning of the EEA market. On 20 December 2017, the Commission adopted a decision to initiate proceedings pursuant to Article 6(1)(c) of the Merger Regulation, to which Tronox responded on 8 January 2018.
3. On 19 January 2018, at Tronox's request, the Commission adopted a decision extending the deadline for taking a final decision in this case by 10 working days.
4. On 22 February 2018, the Commission adopted a decision pursuant to Article 11(3) of the Merger Regulation and Article 9(1) of Commission Regulation (EC) No 802/2004 suspending the time limit referred to in Article 10(3) of the Merger Regulation as of 20 February 2018. The suspension of the time limit expired on 27 February 2018, following the Notifying Party's submission of the required information.
5. On 14 March 2018, the Commission convened a state-of-play meeting to inform the Notifying Party of the preliminary results of the Phase II market investigation.
6. On 16 March 2018, the Commission adopted a Statement of Objections ('SO') which was notified to the Notifying Party on the same day. According to the SO, the Proposed Transaction would significantly impede effective competition within the meaning of Article 2(3) of the Merger Regulation and Article 57 of the EEA Agreement: (i) in the EEA market for chloride-based titanium dioxide pigment for use in paper laminate as a result of non-coordinated effects; and (ii) in the EEA markets for rutile titanium dioxide pigment for use in coatings and plastics (and their possible sub-segmentations) and in the EEA market for chloride-based titanium dioxide pigment for use in paper laminate as a result of coordinated effects. The Commission's preliminary conclusion was, therefore, that the notified concentration was not compatible with the internal market and the functioning of the EEA Agreement.
7. The Notifying Party was granted access to the file on 19 March 2018 and thereafter on a rolling basis.
8. Subsequently, by various emails to the Directorate-General for Competition ('DG Competition'), the Notifying Party raised queries regarding further access to certain documents on the Commission's file. Following the Notifying Party's complaints regarding insufficient access, DG Competition granted further access to some of the documents in question.
9. On 16 April 2018 I received an email from the Parties bringing to my attention rights of defence issues, in particular, asking me, pursuant to Article 7 of the Terms of Reference, to provide further access to certain specific information. In response to this, in the first instance, I asked DG Competition to (re-)examine the Parties' request. On 18 April 2018 DG Competition provided further access to some of the requested information and on 25 April 2018 the Parties informed me that they no longer insisted on access for the remainder of their request.
10. I have admitted two undertakings, both customers of Tronox and Cristal, as interested third persons in these proceedings. Both interested third persons were provided with a non-confidential version of the SO and given a time limit within which to submit their responses.

⁽¹⁾ Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings, OJ L 275, 20.10.2011, p. 29 (the 'Terms of Reference').

11. The formal oral hearing was held on 10 April 2018 and was attended by the Parties, as well as their external legal and economic advisers, relevant Commission services and representatives of the competition authorities of three Member States (Belgium, Germany and the United Kingdom) and the EFTA Surveillance Authority. Neither of the two interested third persons admitted in these proceedings participated in the formal oral hearing.
12. On 24 April 2018, at the request of the Notifying Party, the Commission extended the deadline for its final decision by 10 working days in order to facilitate remedies discussions.

Draft Decision

13. On 16 May 2018, the Notifying Party submitted a first set of commitments. Consequently, the review period was further extended pursuant to Article 10(3), first paragraph of the Merger Regulation. On the basis of feedback obtained from the market testing of these commitments, the Notifying Party submitted a final set of commitments on 1 June 2018 ('Final Commitments').
14. In the draft Decision, the Commission concludes that the Proposed Transaction would significantly impede effective competition in the EEA market for chloride-based titanium dioxide pigment for use in paper laminate within the meaning of Article 2(3) of the Merger Regulation and Article 57 of the EEA Agreement as a result of non-coordinated effects. The draft Decision finds that the Final Commitments are sufficient in scope and suitable to eliminate the significant impediment to effective competition to which the Proposed Transaction would give rise. The Final Commitments therefore render the Proposed Transaction compatible with the internal market and the EEA Agreement.
15. I have reviewed the draft Decision pursuant to Article 16(1) of Decision 2011/695/EU and I conclude that it deals only with objections in respect of which the Parties have been afforded the opportunity of making known their views.

Conclusion

16. I conclude that the Parties have been able to effectively exercise their procedural rights in the present proceedings.

Brussels, 22 June 2018.

Joos STRAGIER

Summary of Commission Decision**of 4 July 2018****declaring a concentration compatible with the internal market and the functioning of the EEA Agreement****(Case M.8451 — Tronox/Cristal)***(notified under document number C(2018)4120)***(only the English version is authentic)****(Text with EEA relevance)****(2018/C 441/07)**

On 4 July 2018 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings ⁽¹⁾, and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/competition/index_en.html

I. THE PARTIES

- (1) On 15 November 2017, following a referral under Article 4(5) of Regulation (EC) No 139/2004 ('the Merger Regulation'), the Commission received notification of an intended concentration pursuant to Article 4 of that Regulation as a result of an agreement by which Tronox Limited ('Tronox', Australia) would acquire sole control, within the meaning of Article 3(1)(b) of the Merger Regulation, of the whole of the titanium dioxide business of The National Titanium Dioxide Company Ltd ('Cristal', Saudi Arabia) by way of a purchase of shares ('the Transaction') ⁽²⁾. Tronox is also referred to in this Summary as 'the Notifying Party' and Tronox and Cristal are together referred to as 'the Parties'. The undertaking that would result from the Transaction is referred to as 'the merged entity'.
- (2) Tronox is active in the mining of inorganic minerals, including titanium feedstocks and zircon, and in the production of titanium dioxide pigment. It has two main business divisions: (i) titanium dioxide pigment, and (ii) electrolytic and specialty chemicals, of which only the former is of relevance to the Transaction. Until 1 September 2017, Tronox was also active in alkali chemicals but has now sold this business to Genesis Energy LP. Tronox is publicly listed on the New York Stock Exchange. Its largest shareholder, Exxaro, does not have control over the company.
- (3) Cristal is also active in the mining of titanium feedstocks and zircon and in the production of titanium dioxide pigment. Cristal is a privately owned company, in which Tasnee (a listed Saudi Arabian joint stock company), Gulf Investment Corporation (a company owned by the six States of the Gulf Cooperation Council) and a private individual hold shares.
- (4) Tronox and Cristal are two of the five major global titanium dioxide pigment producers. They both also own mineral sand mines, from which they source the titanium feedstocks for use in titanium dioxide pigment production. They are therefore vertically integrated and also sell titanium feedstocks both to other titanium dioxide pigment producers and to other industries in which titanium feedstocks are used.

II. THE OPERATION

- (5) The Transaction would be implemented as a share transfer, following an internal reorganisation within Cristal. As a result of the Transaction, Tronox would acquire sole control of Cristal's titanium dioxide business. The Transaction would therefore give rise to a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.
- (6) The Transaction does not have a Union dimension within the meaning of Article 1 of the Merger Regulation. However, in accordance with Article 4(5) of the Merger Regulation, the Notifying Party requested a referral to the Commission on the grounds that the case would be capable of being reviewed under the national competition laws of at least three Member States. The Notifying Party filed a reasoned submission on 29 March 2017 that was transmitted to all Member States by the Commission on the same day. No Member State expressed disagreement with this request within 15 working days and the concentration is therefore deemed to have a Union dimension and to be notifiable in accordance with Article 4(5) of the Merger Regulation.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 438, 19.12.2017.

III. THE PROCEDURE

- (7) On 20 December 2017, in view of the results of the Phase I market investigation ⁽¹⁾, the Commission found that the Transaction raised serious doubts as to its compatibility with the internal market and the Agreement on the European Economic Area ('EEA Agreement') in relation to various markets for titanium dioxide pigment and adopted a decision initiating proceedings pursuant to Article 6(1)(c) of the Merger Regulation ⁽²⁾.
- (8) In its in-depth (Phase II) market investigation, the Commission sent a second round of more targeted questionnaires to the Parties' competitors in titanium dioxide pigment production and to customers purchasing titanium dioxide pigment active in the manufacture of coatings, plastics and paper laminate. In addition, the Commission held conference calls with the Parties' largest competitors and with a number of major customers in each of the three broad areas of end-use.
- (9) On 16 March 2018, the Commission addressed a Statement of Objections ('SO') to the Notifying Party, in which it set out its concerns.

IV. SUMMARY OF ASSESSMENT

- (10) The Parties' activities overlap in the production of titanium dioxide pigment, the mining of titanium dioxide feedstocks and the production of zircon. The conclusion of the Commission for all three areas are summarised in the following.

1. Titanium Dioxide Pigment

1.1. Market definitions

- (11) Titanium dioxide is an inorganic chemical used to opacify, brighten and whiten various industrial and consumer products. It is used in a wide range of end applications. Titanium dioxide can have one of two different crystalline forms: rutile and anatase. Anatase titanium dioxide can only be produced via the sulphate-based process, while rutile titanium dioxide can be produced using either the sulphate- or the chloride-based process. Overlaps between the Parties' activities relate exclusively to rutile titanium dioxide as Tronox manufactures titanium dioxide pigment using only the chloride process, meaning that it cannot produce anatase titanium dioxide pigment.
- (12) The Commission considers in general that it may be appropriate to segment the market for the production of titanium dioxide pigment according to: (i) crystalline form, (ii) production process, and/or (iii) the end-application in which the titanium dioxide pigment is used.
- (13) The Commission concludes that a separate market for chloride-based titanium dioxide pigment for use in paper laminate exists because titanium dioxide pigment grades used in paper laminate are distinct from those used in other applications (both mass applications and other speciality applications). In addition, sulphate-based grades designed for use in paper laminate are not a satisfactory substitute for chloride-based grades, and there is no supply-side substitutability between chloride- and sulphate-based grades.
- (14) The Commission further concludes that a separate market for titanium dioxide pigment for use in mass applications exists, comprising pigment for end usages in coatings and plastics. Considering all the evidence available, the Commission also concludes that chloride- and sulphate-based grades of titanium dioxide pigment in rutile form for use in mass applications belong to one and the same product market. However, the question whether separate narrower markets can be defined by end-application (within mass applications) can be left open as the outcome of the competitive assessment is the same either way.
- (15) The Commission concludes that all relevant markets for titanium dioxide pigment as well as its potential sub-segments are EEA-wide in scope.

⁽¹⁾ In accordance with paragraph 5.1 of the Best Practices on the conduct of EU merger control proceedings, the Notifying Party was informed of the results of the phase I market investigation at a state of play meeting held on 6 December 2017.

⁽²⁾ In accordance with paragraphs 45 and 46 of the Best Practices on the conduct of EU merger control proceedings, the Commission provided a number of key documents to the Notifying Party on 21 December 2017.

1.2. *Competitive Assessment*

- (16) The Commission considers, on the basis of the results of its market investigation and the other information available to it, that the notified concentration would significantly impede effective competition in the EEA on the market for chloride-based titanium dioxide pigment for use in paper laminate as a result of the reduction in the number of competitors active on that market from four to three. The Transaction would eliminate an important competitive constraint and bring together two close competitors on an already highly concentrated market which is characterised by customers' need to multi-source and by the fact that suppliers' power to increase prices is protected by the difficulty that customers face in switching suppliers and by the high barriers to entry and expansion. The Commission further considers the lack of countervailing buyer power, the lack of competitive pressure from neighbouring markets for sulphate-based pigments, and the probable negative effects of the concentration as regards potential portfolio rationalisation.
- (17) The Commission further concludes that the notified concentration would not significantly impede effective competition in any market or sub-market for titanium dioxide pigment for use in mass applications. The merged entity will not become the largest player in these markets and customers' responses to the Commission's market investigation confirm that there are a number of strong suppliers offering alternatives to the Parties' products.
- (18) The Commission has also assessed whether the Transaction is likely to result in coordinated effects on one or more of the plausible EEA markets for titanium dioxide pigment because the markets affected by the Transaction present certain characteristics which can make coordination likely to emerge. The Commission has not, however, found sufficient evidence to conclude that the Transaction would be likely to lead to coordination among the remaining major suppliers of titanium dioxide pigment. In particular, it cannot be established that there exists a clear focal point that suppliers could use to coordinate their behaviour.

1.3. *Efficiencies*

- (19) The Notifying Party claims that the concentration would result in significant efficiencies which would outweigh any potential negative effect.
- (20) The Commission has thoroughly assessed all arguments presented by the Notifying Party and has not been able to reach a conclusion that the notified concentration would create efficiencies of significant benefit to EEA customers on the market for chloride-based titanium dioxide pigment for use in paper laminate. In addition, the efficiencies claimed by the Notifying Party in relation to effective capacity expansion, increased production of titanium feedstocks and reduction in variable costs are also not sufficiently verifiable and/or merger specific.

2. **Titanium Feedstocks**

2.1. *Market definition*

- (21) Titanium feedstocks are titanium rich minerals extracted from mineral sands. The three main types of naturally occurring titanium feedstocks are ilmenite, leucoxene and rutile. The relevant market could be one single product market for all titanium feedstocks or separated by their suitability for the different titanium dioxide pigment production processes (differentiating between chloride and sulphate titanium feedstocks) or by individual titanium feedstock type. For the purposes of this case, the exact product market definition for titanium feedstocks can however be left open as the notified concentration does not create competition concerns on markets for titanium feedstocks under any of these plausible delineations.
- (22) For the purposes of this case, the exact geographic market definition for titanium feedstocks can also be left open because the Transaction does not create competition concerns, regardless if the relevant titanium feedstock markets were to be limited to the EEA or wider than that.

2.2. *Competitive Assessment*

- (23) Both Tronox and Cristal are active in the mining of titanium feedstocks, which they largely use internally for the production of titanium dioxide pigment but which they also sell on the merchant market.

- (24) The Parties' activities in titanium feedstocks do not give rise to affected markets in the EEA under any plausible product market definition. On the alternative assumption of a global geographic market, the Commission has identified as affected markets⁽¹⁾ the potential global market for chloride titanium feedstocks and three potential sub-markets thereof, namely (i) the global market for chloride ilmenite, (ii) the global market for natural rutile and (iii) the global market for leucoxene.
- (25) Although the merged entity would be the largest producer of chloride titanium feedstocks, there would still be a number of other strong actors on the production market. In addition, the market investigation confirmed that the Parties are not particularly close competitors. Whilst the Transaction would inevitably lead to the removal of one supplier of chloride titanium feedstocks, neither Cristal nor Tronox would appear to be regarded as a critical supplier.
- (26) The Commission therefore concludes that the Transaction is unlikely to significantly impede effective competition on the market for titanium feedstocks as a result of horizontal effects, irrespective of the precise market definition.
- (27) The concentration also leads to several vertical links as both Parties are active in the downstream market for titanium dioxide pigment and in the upstream market for titanium feedstocks. The Parties' combined market shares are above [30-40] % on the downstream EEA market for chloride-based titanium dioxide pigment for use in paper laminate and on the upstream global markets for chloride ilmenite and leucoxene. However, the Commission concludes that these links will not lead to a significant impediment of effective competition because of vertical effects.

3. Zircon

3.1. Market definition

- (28) Zircon is an opaque, inert zirconium mineral frequently found in mineral sands deposits containing ilmenite and rutile and is therefore generally mined as a co-product of these titanium feedstocks. While market participants generally recognise the existence of a distinction between premium and standard grade zircon, the Commission concludes that the precise market definition can be left open for this case, because the Transaction does not create competition concerns on these markets under any plausible product market definition.
- (29) For the purposes of this case, the exact geographic market definition for zircon can also be left open between either a global or an EEA-wide market, as the Transaction does not create competition concerns under either plausible geographic market definition.

3.2. Competitive Assessment

- (30) The merged entity would have a roughly comparable size on the market for zircon with the current market leader, Iluka. In addition, Rio Tinto remains another large supplier as well as several smaller players.
- (31) The results of the market investigation showed that the Parties are not perceived as particularly close competitors on this market, that there is at least some competitive constraint from neighbouring markets, and most importantly, that the remaining independent suppliers of zircon will continue to exert competitive pressure on the merged entity. The Commission further considers that entry barriers in the market for zircon are not particularly high. Therefore, the Commission concludes that the Transaction would not lead to a significant impediment to effective competition on the market for zircon, irrespective of the exact product or geographic market definition applied.

V. REMEDIES

- (32) In order to address the competition concerns identified in the EEA market for chloride-based titanium dioxide pigment for use in paper laminate, the Notifying Party has proposed to divest Tronox's paper laminate grade ('the Commitments').
- (33) The Commitments consist of the global divestment of the production technology and customer contracts for Tronox's titanium dioxide pigment grade for paper laminate applications. The transfer of production would take place over a transitional period during which Tronox would manufacture this grade on behalf of the purchaser under a transitional supply agreement. The Commitments also include an 'upfront buyer provision', meaning that the Transaction cannot close until the Commission has approved a suitable purchaser.

⁽¹⁾ On the basis of either sales and/or production volumes.

- (34) The Commission considers, following a market test, that the scope of the divestment business and the terms of the transitional supply agreement are adequate to ensure that the divestment business could remain an effective competitive force, providing it is acquired by a suitable purchaser.
- (35) The Commitments stipulate that the purchaser should have proven expertise in chloride-based titanium dioxide production, available capacity to produce the grade on the same scale as Tronox, and the incentive to develop the business in the EEA. The Commission still has to approve a suitable purchaser for the divestment business based on a proposal by the Notifying Party in a separate decision.

VI. CONCLUSION

- (36) For the reasons mentioned above, the Commission concludes that the proposed concentration as modified by the Commitments and subject to specific conditions, including the Commission's acceptance of a suitable purchaser for the divestment business, will not significantly impede effective competition in the Internal Market or in a substantial part of it.
 - (37) Consequently the concentration is declared compatible with the Internal Market and the functioning of the EEA Agreement subject to conditions and obligations, in accordance with Article 2(2) and Article 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.
-

COMMISSION IMPLEMENTING DECISION

of 30 November 2018

on the publication in the *Official Journal of the European Union* of the application for approval of an amendment, which is not minor, to a product specification referred to in Article 53 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council for the name 'Vitellone Bianco dell'Appennino Centrale' (PGI)

(2018/C 441/08)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs⁽¹⁾, and in particular Article 50(2)(a) in conjunction with Article 53(2) thereof,

Whereas:

- (1) Italy has sent an application for approval of an amendment, which is not minor, to the product specification of 'Vitellone Bianco dell'Appennino Centrale' (PGI) in accordance with Article 49(4) of Regulation (EU) No 1151/2012.
- (2) In accordance with Article 50 of Regulation (EU) No 1151/2012 the Commission has examined that application and concluded that it fulfils the conditions laid down in that Regulation.
- (3) In order to allow for the submission of notices of opposition in accordance with Article 51 of Regulation (EU) No 1151/2012, the application for approval of an amendment, which is not minor, to the product specification, as referred to in the first subparagraph of Article 10(1) of Commission Implementing Regulation (EU) No 668/2014⁽²⁾, including the amended single document and the reference to the publication of the relevant product specification, for the registered name 'Vitellone Bianco dell'Appennino Centrale' (PGI) should be published in the *Official Journal of the European Union*,

HAS DECIDED AS FOLLOWS:

Sole Article

The application for approval of an amendment, which is not minor, to the product specification, referred to in the first subparagraph of Article 10(1) of Implementing Regulation (EU) No 668/2014, including the amended single document and the reference to the publication of the relevant product specification, for the registered name 'Vitellone Bianco dell'Appennino Centrale' (PGI) is contained in the Annex to this Decision.

In accordance with Article 51 of Regulation (EU) No 1151/2012, the publication of this Decision shall confer the right to oppose to the amendment referred to in the first paragraph of this Article within three months from the date of publication of this Decision in the *Official Journal of the European Union*.

Done at Brussels, 30 November 2018.

For the Commission

Phil HOGAN

Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

ANNEX

APPLICATION FOR THE APPROVAL OF AN AMENDMENT TO THE PRODUCT SPECIFICATION OF PROTECTED DESIGNATIONS OF ORIGIN/PROTECTED GEOGRAPHICAL INDICATIONS WHICH IS NOT MINOR

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

‘Vitellone bianco dell’Appennino centrale’

EU No: PGI-IT-1552-AM02 – 26.9.2017

PDO () PGI (X)

1. Applicant group and legitimate interest

Consorzio di Tutela ‘Vitellone Bianco dell’Appennino Centrale’[The Association for the Protection of ‘Vitellone Bianco dell’Appennino Centrale’]
Via delle Fascine, 4
06132 San Martino in Campo
Perugia (PG)
ITALIA
info@vitellonebianco.it

The Consorzio di Tutela ‘Vitellone Bianco dell’Appennino Centrale’ is authorised to submit an amendment application under 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: inspection form, packaging, updating of references to legislation.

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 5.4 of the specification and point 3.2 of the single document

1. The references to ‘shrinkage when cooked’ (which had to be under 35 %) and to the product’s ‘hardness (cooked)’ (less than 2,5 kg per cm²) have been removed.

This amendment is needed because laboratory testing would be required to check compliance with these parameters, requiring a minimum amount of time, and fresh beef — certain cuts in particular — has a very short shelf-life.

The carcasses have to be ready for removal from the slaughterhouse within at most two days of slaughter, not least because slaughterhouse cold stores are designed for keeping carcasses cool, and not for preserving and ageing the beef.

The results of the tests needed to check compliance with the above requirements currently take seven days or even longer to come back. This leads to serious commercial and certification problems, as the product has to be dispatched for carving into cuts no later than 48 hours after slaughter, so within a time limit that is not compatible with that required to carry out the tests. The other option would be to no longer market the product as PGI, which would result in significant economic losses.

Production method

Article 4.1 of the specification

2. The following passage:

'From birth to weaning, the use of the following husbandry systems is allowed: grazing, loose housing and tethered housing.'

From weaning to slaughter, the cattle must be kept in loose or tethered housing.'

is amended as follows:

'From birth to weaning, the use of the following husbandry systems is allowed: grazing, loose housing and loose housing with pasture access.'

From weaning to slaughter, the cattle must be kept in loose housing, tethered housing or loose housing with pasture access.'

In accordance with Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves, 'tethered housing' has been removed from the housing options used from birth to weaning.

'Loose housing with pasture access' is now listed as a housing option for the entire rearing period (from birth to slaughter) in order to better specify what was hitherto included within the broad term 'loose housing'.

'Loose housing with pasture access' allows cattle to be housed in a housing set-up in which they are free to roam within a given area, with physical barriers in place to prevent them from wandering astray.

Article 4.1 of the specification and point 3.3 of the single document

3. The paragraph:

'After that, their staple diet consists of fresh and/or preserved forage from natural or artificial meadows or from green crops that are typical of the defined geographical area. In addition, the use of simple or complex feed concentrates and the addition of mineral and vitamin supplements are permitted.'

is replaced by:

'After that, their staple diet consists of fresh and/or preserved forage from natural or artificial meadows or from green crops that are typical of the defined geographical area. In addition, the use of feed concentrates (straight or compounds) and nutritional supplements is also permitted.'

The reference to 'mineral and vitamin supplements' has been replaced by a reference to 'food supplements', extending the range of supplements that can be administered to cattle to include nutrients other than vitamins and minerals.

Article 4.2 of the specification and point 3.3 of the single document

4. The paragraph:

'In the four months prior to slaughter the livestock may not be fed silage.'

The livestock may not be fed the following industrial by-products:

- Fresh beet pulp;
- Milled olive leaves and twigs;
- Fresh or dried olive leaves;
- Orange pulp;
- Dried citrus pulp;
- Dried orange flesh;
- Olive cake;
- Olive skins;
- Tomato skins and seeds;
- Distillers' residues;
- Malt culms;
- Brewers' grains;
- Wet or dried brewers' grains;
- Wet or dried distillery by-products;
- Coarse bran or middlings;
- Meat meal;
- Greaves;
- Fish meal;
- Blood;
- Animal fat;
- Apple pomace;
- Fresh or preserved fruit;
- Confectionery industry by-products.'

is amended as follows:

'In the four months prior to slaughter the livestock may not be fed silage.

The livestock may not be fed the following industrial by-products:

- Meat meal;
- Greaves;
- Fish meal;

- Blood;
- Animal fat;
- Confectionery industry by-products;

The following industrial by-products are permitted only as ingredients of compound feed:

- Fresh beet pulp;
- Milled olive leaves and twigs;
- Fresh or dried olive leaves;
- Orange pulp;
- Dried citrus pulp;
- Dried orange flesh;
- Olive cake;
- Olive skins;
- Tomato skins and seeds;
- Distillers' residues;
- Malt culms;
- Brewers' grains;
- Wet or dried brewers' grains;
- Wet or dried distillers' by-products;
- Coarse bran or middlings;
- Apple pomace;
- Fresh or preserved fruit.'

This amendment allows some currently banned industrial by-products to be used in feed. The original intention in banning certain by-products in cattle feed was to prevent the possibility of them being used as straight feed rations, which might mean that the cattle were not being fed a balanced diet.

In the proposed amendment, however, it is stated that these industry by-products are only permitted when they are ingredients in feed. These by-products, dried and used as an ingredient in compound feed, can form part of a balanced diet, as the nutritional values are clearly defined and listed in the instructions for the compound feed in question.

Article 4.3 of the specification and point 3.4 of the single document

5. The sentence:

'The cattle must be slaughtered at suitable slaughterhouses within the production area.'

is amended as follows:

‘The cattle must be slaughtered at suitable slaughterhouses.’

The requirement that the cattle be slaughtered within the geographical area has been removed. This change is driven by the need to make use of better organised and more structured slaughterhouses present in areas adjacent to the production area, thus reducing the distances travelled by cattle sent for slaughter and keeping them within the limits established by animal welfare rules, as well as abattoirs that slaughter in accordance with religious rites.

The reference to the slaughtering stage has been removed from point 3.4 of the single document.

Article 5.3 of the specification

1. The following sentence:

‘As males tend to deposit less fat, including intramuscular fat, than females and their carcasses thus need to be tenderised, the forequarters of males must be aged for at least four days and their hindquarters for at least 10 days.’

is amended as follows:

‘As males tend to deposit less fat than females and their carcasses thus need to be tenderised, all male carcass cuts must be aged for at least four days, except for the rump, knuckle, topside and loin muscle, which must be aged for at least 10 days.’

It is now specified that the rump, knuckle, topside and loin muscle must be aged for at least 10 days, while the minimum requirement for all other cuts is four days.

This amendment is necessary as the hindquarter cuts do not have all the same physical characteristics and are not all used in the same way. Due to their nature, certain parts are mostly used to make mince, which, under food hygiene rules, has to be processed in a shorter time than the ageing period currently established in the specification.

A longer ageing period is needed for certain larger cuts that have little connective tissue and are often served rare — the rump, knuckle, topside and loin muscle — where this minimum ageing period leads to an improvement in quality.

Labelling

Article 6.3 of the specification and point 3.6 of the single document

2. The following text:

‘— The words “Protected Geographical Indication” and/or the Community logo provided for in the legislation in force. It is also possible to use the acronym “I.G.P.”;

— and the breed of the animal.’

is amended as follows:

‘— the EU logo provided for in the European rules in force. It is also possible to use the words “Protected Geographical Indication” and/or the abbreviation “I.G.P.”.

— and the breed of the animal unless the batch comprises cuts from more than one breed.’

This amendment makes it compulsory to use the EU logo on the label.

One provision has been added, that batches comprising cuts of a single breed must now be labelled with the breed in question. This amendment takes into account the sometimes limited size of labels and the lack of space, which sometimes makes it difficult to state two or three breeds on packages.

3. The following sentence has been deleted:

‘— It is, however, forbidden to add any description that is not expressly provided for.’

The ban on adding any descriptions to the label that are not expressly provided for has been removed, allowing operators to include additional information, such as details of the cattle's diet (e.g. 'no added animal fat', 'GMO free', etc.) or company certification schemes.

Other

Article 6.2 of the specification and point 3.6 of the single document

4. 'Breed' has been added to the information to be reported in the inspection form.

This amendment adds a point to the list of details to be provided in the inspection report documenting compliance with the requirements for this designation. The aim behind this change is to ensure that the breed of the cattle in question is recorded.

The relevant section of the single document has also been updated.

Packaging

Article 6.4 of the specification and point 3.5 of the single document

5. The sentence:

'The following packaging formats must be used for packaged cut meat, whether fresh or frozen: pre-packaging, vacuum-packing or packaging in a modified atmosphere.'

is amended as follows:

'The following packaging formats must be used for packaged cut meat, whether fresh or frozen: pre-wrapping, pre-packaging, vacuum-packing or packaging in a modified atmosphere.'

This amendment adds the option of selling products packaged at the point of sale, which is becoming ever more common, particularly in the supermarket sector.

The relevant point in the single document has also been updated.

6. The following sentence:

'Packaging may take place only at authorised cutting facilities under the supervision of the designated body, which authorises individual packages to be stamped with the PGI's logo.'

is amended as follows:

'Packaging may take place only at authorised cutting facilities and butchers' shops under the supervision of the designated body, which authorises individual packages to be stamped with the PGI's logo.'

In light of the preceding amendment, it was considered that butchers' shops should be added to the list of authorised packagers.

The relevant point in the single document has also been updated.

Updating of references to legislation

7. In Articles 1 and 7 of the specification, references to Council Regulation (EC) No 510/2006 have been replaced by references to the current legislation.

SINGLE DOCUMENT

‘Vitellone bianco dell’Appennino centrale’**EU No: PGI-IT-1552-AM02 – 26.9.2017****PDO () PGI (X)****1. Name(s)**

‘Vitellone bianco dell’Appennino centrale’

2. Member State or Third Country

Italy

3. Description of the agricultural product or foodstuff**3.1. Type of product**

Class 1.1: Fresh Meat (and offal)

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

‘Vitellone Bianco dell’Appennino Centrale’ PGI meat is obtained from pure-bred male and female cattle of the Chianina, Marchigiana and Romagnola breeds aged between 12 and 24 months, born and reared in the typical geographical production area.

The cattle must be the product of selective breeding and properly entered in the Young Livestock Register within the National Herd-Book in order to certify the purity of the breed, a genetic factor that plays an important role in shaping the meat’s physical and organoleptic attributes.

The exposed meat parts on the carcass must not have any abnormal colouration (magenta or tending to black). The visible fat must not be a colour tending towards ash yellow, nor may it have any veining of a colour tending towards deep yellow.

The average quality parameters of ‘Vitellone Bianco dell’Appennino Centrale’ meat are as follows:

- pH 5,2 to 5,8
- ether extract (on a wet basis) — under 3 %
- ash (on a wet basis) under 2 %
- protein (on a wet basis) over 20 %
- cholesterol less than 50 mg/100 g
- unsaturated-to-saturated fatty acid ratio — greater than 1,0
- natural shrinkage under 3 %
- hardness (raw) less than 3,5 kg per cm²
- colour (daylight 2667 K) — L greater than 30
- C greater than 20
- H between 25 and 45

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

Calves belonging to the ‘white’ Apennine breed are naturally suckled by their mothers until weaning. After that, their staple diet consists of grasses and/or forage from natural or artificial meadows or from green crops that are typical of the defined geographical area. The use of feed concentrates (straights or compounds) and nutritional supplements is also permitted.

The feed ration is calculated in such a way as to ensure high or medium-high nutrition levels, exceeding 0,8 FU per kg of dry matter for males and 0,7 FU per kg of dry matter for females.

The following industry by-products are permitted only as ingredients of compound feed:

- Fresh beet pulp;
- Milled olive leaves and twigs;
- Fresh or dried olive leaves;
- Orange pulp;
- Dried citrus pulp;
- Dried orange flesh;
- Olive cake;
- Olive skins;
- Tomato skins and seeds;
- Distillers' residues;
- Malt culms;
- Brewers' grains;
- Wet or dried brewers' grains;
- Wet or dried distillery by-products;
- Coarse bran or middlings;
- Apple pomace;
- Fresh or preserved fruit.

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

The specific steps in production that must take place in the geographical area are birth and rearing, including the weaning and fattening period.

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

Fresh or chilled meat which is marketed in pre-cut cuts must be packaged in one of the following ways: pre-packaged, pre-wrapped, vacuum-packed or packaged in a modified atmosphere.

Packaging may take place only at authorised cutting facilities and butchers' shops under the supervision of the designated body, which authorises individual packages to be stamped with the PGI's logo.

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

When it is released for consumption, 'Vitellone Bianco dell'Appennino Centrale' meat must bear the specific identification marking containing the words 'Vitellone Bianco dell'Appennino Centrale' IGP.

The identification marking must be affixed at the slaughterhouse by the inspection body.

As well as the compulsory information required by the legislation in force, the label must also include:

1. the reference number or traceability code;
2. the name 'Vitellone Bianco dell'Appennino Centrale' and/or the logo;

3. the EU logo as established in the applicable legislation (the words *Indicazione Geografica Protetta* and/or the acronym 'IGP' may also be used);
4. and the breed of the animal unless the batch comprises cuts from more than one breed.

It may also contain other information included in the inspection document, an electronic record that is required for checking on compliance with the conformity requirements and containing the following information: the animal's identification number (registration number), the holding on which it was born, the holding on which it was reared and/or fattened, any movements, date of birth, breed, sex, date of slaughter and slaughter serial number, the category of animal, the weight of the carcass and the cut, carcass conformation and fat coverage according to the EU classification, the name and address of the slaughterhouse where the animal was slaughtered; the name and address of the meat preparation facility where the animal was butchered, indication of the type of product received (carcass, half-carcass, sixth quarter, individual parts or mixed parts thereof), name and registered office of consignee (butcher, meat preparation facility, trader), name of the expert who performed the certification.

4. Concise definition of the geographical area

The geographical production area of 'Vitellone Bianco dell'Appennino Centrale' meat spans the provinces and municipalities located along the Apennine ridge of central Italy.

More precisely, the production area covers the territory of the following current provinces: Bologna, Ravenna, Forlì-Cesena, Rimini, Ancona, Ascoli Piceno, Fermo, Macerata, Pesaro-Urbino, Teramo, Pescara, Chieti, L'Aquila, Campobasso, Isernia, Benevento, Avellino, Frosinone, Rieti, Viterbo, Terni, Perugia, Grosseto, Siena, Arezzo, Firenze, Prato, Livorno, Pisa, Pistoia; Rome (the following municipalities only: Arcinazzo Romano, Camerata Nuova, Cervara di Roma, Jenne, Mazzano Romano, Ponzano Romano, Sant'Oreste, Subiaco, Vallepietra, Vallinfreda and Vivaro Romano), Latina (the following municipalities only: Campodimele, Castelforte, Fondi, Formia, Itri, Lenola, Minturno, Monte San Biagio, Prossedi, Roccasecca dei Volsci, Santi Cosma e Damiano, Sonnino and Spigno Saturnia) and Caserta (the following municipalities only: Ailano, Alife, Alvignano, Baia e Latina, Bellona, Caianello, Caiazzo, Calvi Risorta, Camigliano, Capriati a Volturno, Castel Campagnano, Castel di Sasso, Castello del Matese, Ciorlano, Conca della Campania, Dragoni, Fontegreca, Formicola, Francolise, Gallo Matese, Galluccio, Giano Vetusto, Gioia Sannitica, Letino, Liberi, Marzano Appio, Mignano Monte Lungo, Pastorano, Piana di Monte Verna, Piedimonte Matese, Pietramelara, Pietravairano, Pignataro Maggiore, Pontelatone, Prata Sannita, Pratella, Presenzano, Raviscanina, Riardo, Rocca D'Evandro, Roccaromana, Rocchetta e Croce, Ruviano, San Gregorio Matese, San Pietro Infine, San Potito Sannitico, Sant'Angelo d'Alife, Sparanise, Teano, Tora e Piccilli, Vairano Patenora, Valle Agricola and Vitulazio).

5. Link with the geographical area

The Apennine area has a well-defined ecosystem in terms of climate, temperature ranges and total rainfall. These environmental conditions, which are linked both to the morphology and particular position of the soils, influence the development of a varied, very distinctive pasture flora. The pastures have a precise identity that can be ascribed to their content of 'essential' elements, such as pigments and specific aromatic compounds.

The area is located in a typically hilly and mountainous context. Forests predominate at lower altitudes before giving way to pasture land towards the Apennine watershed. The land-use pattern has led to the alternation of modestly sized plots given over to different uses (crops, forest areas and pastures).

The environmental conditions are typical of the Apennine-Mediterranean climate and feature average annual rainfall of around 1 200 mm (up to 2 000 mm in exceptional years) and average annual temperatures ranging from 0 °C in winter to 24 °C in summer, with minimum temperatures as low as -10 °C and maximum temperatures that can exceed 30 °C.

The protein content and the unsaturated-to-saturated fatty acid ratio are important factors for assessing the quality characteristics of 'Vitellone Bianco dell'Appennino Centrale' meat.

The meat obtained, including that cut at sales counters, is not affected by the rapid darkening of the exposed surfaces, meaning that the amount of processing waste is significantly reduced.

The link between the geographical area and the product comes from the synthesis of the gene pool, the type of rearing and the ambient climate.

During the fattening stage, the rearing systems are predominantly the traditional systems of tethered housing or loose housing with pasture access. The feed used during the growing and fattening stages is mainly produced by the holdings themselves. The majority of holdings practice 'closed-cycle' rearing, bringing calves born to brood cows in the stalls through to slaughter weight.

The main characteristics of the product are determined first of all by the fact that the animals belong to the three native meat breeds, which have been reared in the defined area for centuries using long-standing traditional techniques.

The meat absorbs the environmental influences dynamically, which not only gives it its unique organoleptic profile but shapes its muscle mass and fibrous and fatty parts. Since the animals mainly live freely, their biological cycle is closely linked to the geographical environment surrounding them.

Publication reference of the specification

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

This Ministry has launched the national opposition procedure by publishing the proposed amendment to 'Vitellone Bianco dell'Appennino Centrale' PGI in Official Gazette of the Italian Republic No 131 of 8 June 2017.

The consolidated text of the product specification can be consulted at:

<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 'Qualità' (at the top right-hand side 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'.

V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration**(Case M.9187 — Autolaunch/Beijing Electric Vehicle Co/JVs)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2018/C 441/09)

1. On 23 November 2018, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- Autolaunch Ltd ('Autolaunch') (Ireland), controlled by Magna International Inc. ('Magna')
- Beijing Electric Vehicle Co., Ltd ('BJEV') (China) belonging to the Beijing Automotive Group Co., Ltd ('BAIC Group')
- Magna Blue Sky NEV Technology (Zhenjiang) Co., Ltd ('Tech-JV')
- Blue Sky NEV Manufacturing Co., Ltd ('CM-JV')

Autolaunch and BJEV acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Tech-JV and CM-JV.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Autolaunch is active in the production of tooling and related services. It is a 100 % owned subsidiary of Cosma Tooling Ireland Unlimited which is directly held by Magna, a global automotive supplier.
- BJEV is mainly active in the fields of vehicle system integration and matching, production and development of vehicle control systems, electric drive systems and pure electric passenger systems. BJEV is a wholly-owned subsidiary of BAIC Group.
- Tech-JV will be active in providing engineering services for blade electric passenger vehicles and CM-JV will be active in manufacturing and supplying blade electric passenger vehicles in China.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9187 — Autolaunch/Beijing Electric Vehicle Co/JVs

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

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