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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Non-opposition to a notified concentration

(Case COMP/M.4839 — AREVA NP/MHI/ATMEA)

(Text with EEA relevance)

(2008/C 61/01)

On 29 October 2007, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

— from the Europa competition website (http://ec.europa.eu/comm/competition/mergers/cases/). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,

— in electronic form on the EUR-Lex website under document number 32007M4839. EUR-Lex is the on-line access to European law (http://eur-lex.europa.eu).

Non-opposition to a notified concentration

(Case COMP/M.4971 — MPC/VIGA-Villacero/MAN/Coutinho & Ferrostaal (JV))

(Text with EEA relevance)

(2008/C 61/02)

On 20 December 2007, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

— from the Europa competition website (http://ec.europa.eu/comm/competition/mergers/cases/). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,

— in electronic form on the EUR-Lex website under document number 32007M4971. EUR-Lex is the on-line access to European law (http://eur-lex.europa.eu).

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Euro exchange rates ([1])

5 March 2008

(2008/C 61/03)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,5196	TRY	Turkish lira	1,8383
JPY	Japanese yen	157,65	AUD	Australian dollar	1,6405
DKK	Danish krone	7,4493	CAD	Canadian dollar	1,5084
GBP	Pound sterling	0,7685	HKD	Hong Kong dollar	11,8362
SEK	Swedish krona	9,3627	NZD	New Zealand dollar	1,9076
CHF	Swiss franc	1,5807	SGD	Singapore dollar	2,1129
ISK	Iceland króna	100,99	KRW	South Korean won	1 441,11
NOK	Norwegian krone	7,8565	ZAR	South African rand	11,7997
BGN	Bulgarian lev	1,9558	CNY	Chinese yuan renminbi	10,8015
CZK	Czech koruna	25,048	HRK	Croatian kuna	7,2795
EEK	Estonian kroon	15,6466	IDR	Indonesian rupiah	13 811,64
HUF	Hungarian forint	263,01	MYR	Malaysian ringgit	4,8376
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	61,946
LVL	Latvian lats	0,6971	RUB	Russian rouble	36,512
PLN	Polish zloty	3,5291	THB	Thai baht	48,019
RON	Romanian leu	3,7185	BRL	Brazilian real	2,5452
SKK	Slovak koruna	32,369	MXN	Mexican peso	16,2688

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

NOTICE TO IMPORTERS

Imports into the Community of products from Montenegro

(2008/C 61/04)

By a notice to importers published in Official Journal C 297 of 7.12.2006, p. 13, the Commission informed operators presenting documentary evidence of origin with a view to securing preferential treatment for all products imported from Montenegro to take all the necessary precautions, since the release of the goods in question for free circulation may give rise to a customs debt. The notice was based on the existence of doubts that products imported from Montenegro under the preferential arrangements were actually and properly subject to the verification of their originating status as required by Community law.

The main findings of the monitoring mission conducted by the Commission's services in Montenegro indicate that the necessary elements are in place for the customs administration to properly manage and control the preferential arrangements when exporting the products to the Community as well as to other Balkan countries.

The conditions for a proper functioning of the preferential arrangements having thus been restored in the case of Montenegro, the notice to importers concerning imports into the Community of products from Montenegro will be withdrawn for imports into the Community of all products from Montenegro.

This notice replaces the one published in Official Journal C 297 of 7.12.2006, p. 13.

Communication to tobacco producers about the transfer of tobacco aid to the Community Tobacco Fund for the years 2008 and 2009

(2008/C 61/05)

The Commission wishes to draw the attention of Community tobacco producers to the proposal for a Council Regulation adopted by the Commission on 4 February 2008 amending Regulation (EC) No 1782/2003 as regards the transfer of tobacco aid to the Community Tobacco Fund for the years 2008 and 2009 and Regulation (EC) No 1234/2007 with regard to financing of the Community Tobacco Fund.

Under the proposal, currently submitted to Council and Parliament for adoption, an amount equal to 5 % of the tobacco aid granted for the calendar years 2008 and 2009 will be transferred to the Community Tobacco Fund for the purpose of financing actions of information for improving public awareness of the harmful effects of tobacco consumption.

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

EMAS

The Eco-Management and Audit Scheme

List of registered sites in Norway in accordance with Regulation (EC) No 761/2001 of the European Parliament and of the Council

(2008/C 61/06)

Registration Number	Company name and address	Tel. Fax E-mail	Contact person	Industrial sector
NO-000005	Kraft Foods Norge AS avd Disenå N-2114 Disenå	(47) 62 96 82 00 (47) 62 96 82 85 hbreisjoeberg@krafteurope.com	Hanne Kari Breisjøberg	15.31
NO-000015	Rescon Mapei AS Vallsetveien 6 N-2120 Sagstua	(47) 62 97 20 00 (47) 62 97 20 99 alan.ulstad@resconmapei.no	Alan K. Ulstad	24.66
NO-000016	Håg AS Sundveien N-7460 Røros	(47) 72 40 72 00 (47) 72 40 72 72 mbf@hag.no	Mai Britt Fjerdingen	36.11
NO-000017	Gyproc AS Habornv 59 N-1631 Gamle Fredrikstad	(47) 69 35 75 00 (47) 69 35 75 01 gyprocno@gyproc.com	Jon Gjerløw	26.62
NO-000034	Savo AS Fyrstikkbakken 7 N-0667 Oslo	(47) 22 91 67 00 (47) 22 63 12 09 bm@savo.no	Birgit Madsen	36.11
NO-000044	Hydro Aluminium Profiler AS, Magnor Gaustadveien N-2240 Magnor	(47) 62 83 34 15 (47) 62 83 33 00 oyvind.aasen@hydro.com	Øyvind Aasen	27.422
NO-000059	Ørsta Gruppen AS N-6151 Ørsta	(47) 70 04 70 00 (47) 70 04 70 04 firmapost@orstastaal.no	Rolf O. Hjelle	28.1
NO-000063	Pyrox AS N-5685 Uggdal	(47) 53 43 04 00 (47) 53 43 04 04	Eirik Helgesen	29.2
NO-000071	Forestia AS Avd Kvam N-2650 Kvam	(47) 62 42 82 00 (47) 61 29 25 30 kvam@forestia.com	Harvey Rønningen	20.200

Registration Number	Company name and address	Tel. Fax E-mail	Contact person	Industrial sector
NO-000083	Total E & P Norge AS Finnestadveien 44 N-4029 Stavanger	(47) 51 50 39 18 (47) 51 50 31 40 firmapost@ep.total.no	Ulf Einar Moltu	11.100
NO-000085	Kährs Brumunddal AS Nygata 4 N-2380 Brumunddal	(47) 62 36 23 00 (47) 62 36 23 01 knut.midtbruket@kahrs.com	Knut Midtbruket	20.200
NO-000086	Grøset Trykk AS Grøset Herregård N-2260 Kirkenær	(47) 62 94 65 00 (47) 62 99 65 01 mari.b@groset.no	Mari L Breen	22.22
NO-000090	AS Oppland Metall Mattisrudsvingen 2 N-2827 Hunndalen	(47) 951 30 186 (47) 61 17 04 71 firmapost@opplandmetall.no	Knut Sørlie	37.00, 60.2
NO-000092	Forestia AS Braskereidfoss N-2435 Braskereidfoss	(47) 62 42 82 00 (47) 62 42 82 78 braskeriedfoss@forestia.com	Per Olav Løken	20.200
NO-000095	Grip Senter Storgata 23 C N-0184 Oslo	(47) 22 97 98 00 (47) 22 42 75 10 eva-britt.isager@grip.no	Eva Britt Isager	74.2
NO-000096	Gjøvik Land og Toten Interkommunale Avfallsselskap DA Dalborgmarka 100 N-2827 Hunndalen	(47) 61 14 55 80 (47) 61 13 22 45 post@glt-avfall.no	Bjørn E. Berg	90
NO-000097	Hydro Polymers AS Rafnes N-3966 Stathelle	(47) 35 00 60 42 (47) 35 00 62 98 harald.meloy@hydro.com	Harald Meløy	24.140
NO-000098	Norsk Metallfragmentering AS Mattisrudsvingen 2 N-2827 Hunndalen	(47) 951 30 186 (47) 61 17 04 71 firmapost@opplandmetall.no	Knut Sørlien	37.1
NO-000099	Elektrogjenvinning Møre AS N-6170 Vartdal	(47) 70 04 04 60 (47) 70 06 71 18 elektrogj.more@adsl.no	Hans Andreas Bakke	37.1
NO-000100	Elektrogjenvinning Norge AS Mattisrudsvingen 2 N-2827 Hunndalen	(47) 61 18 76 90 (47) 61 18 76 98 firmapost@elektrogjenvinning.no	Hans Andreas Bakke	37.1
NO-000101	Elektrogjenvinning Nord-Norge AS Skaudalsveien 6 N-9409 Harstad	(47) 952 08 199 (47) 77 03 13 71 jon.skog@hrs.no	Jon Skog	37.1
NO-000102	Elektrogjenvinning Romsdal AS Årøsætherveien 53 N-6422 Molde	(47) 415 24 038 (47) 61 17 04 71 ev-roms@online.no	Hans Andreas Bakke	37.1
NO-000103	Raufoss Metall AS Raufoss industripark, Bygning 365 N-2831 Raufoss	(47) 951 30 186 (47) 61 17 04 71 anders-frisinger@raufoss.com	Knut Sørlie	27.5

Registration Number	Company name and address	Tel. Fax E-mail	Contact person	Industrial sector
NO-000104	Toten Metall AS Blili N-2854 Eina	(47) 951 30 186 (47) 61 17 04 71 post@totenmetall.no	Knut Sørlie	37.1
NO-000105	Oppland Metall Transport AS Mattisrudsvingen 2 N-2827 Hunndalen	(47) 951 30 186 (47) 61 17 04 71 tord.linnerud@opplandmetall.no	Knut Sørlie	60.24
NO-000106	Norsk Industriolje AS Østerdalsgt 1 J N-0602 Oslo	(47) 22 66 04 00 (47) 22 66 04 01 jostein.urnes@relekta.no	Jostein Urnes	51.510
NO-000107	Relekta Import AS Østerdalsgt 1 J N-0602 Oslo	(47) 22 66 04 00 (47) 22 66 04 01 jostein.urnes@relekta.no	Jostein Urnes	51.820

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

COMMISSION

STATE AID — FRANCE

State aid C 1/08 (ex N 283/07) — Aid scheme for companies processing and marketing fisheries and aquaculture products (FISIAA)

Invitation to submit comments pursuant to Article 88(2) of the EC Treaty and Article 6 of Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 88 of the EC Treaty

(Text with EEA relevance)

(2008/C 61/07)

By letter dated 14 January 2008, reproduced in the authentic language on the pages following this summary, the Commission notified France of its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty concerning the above aid scheme.

Interested parties may submit their comments within one month of the date of publication of this summary and the following letter, to:

European Commission
Directorate-General for Fisheries and Maritime Affairs
Directorate D — Legal Unit
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 295 19 42

These comments will be communicated to France. Confidential treatment of the identity of the interested party submitting the comments may be requested in writing, stating the reasons for the request.

SUMMARY

On 24 April 2007, the French authorities notified the Commission of their intention to establish an aid scheme to provide companies processing and marketing fisheries and aquaculture products with similar subsidies as those granted in the agriculture sector under aid scheme N 553/03, approved by the Commission on 27 July 2004.

The aim of this scheme is to grant aid to companies other than small and medium-sized enterprises, so that they can enjoy — from purely national funds — the same support as that available to the SMEs under Regulation (EC) No 1198/2006 on the European Fisheries Fund (EFF). The aid will come from a *Fonds d'Intervention Stratégique des Industries Agro-Alimentaires (FISIAA)* (agri-food industries strategic intervention fund).

The investigation of this aid scheme according to the guidelines for the investigation of State aid in fisheries and aquaculture refers to the criteria laid down in Regulation (EC) No 1198/2006 on the EFF. However, the measures provided for by the EFF as regards the processing and marketing of fisheries and aquaculture products only cover SMEs, while this aid scheme is geared specifically to companies other than SMEs.

Consequently, the Commission considers that there is some doubt as to the compatibility of the aid with the common market.

TEXT OF LETTER

'La Commission a l'honneur d'informer le gouvernement de la France qu'après avoir examiné les informations fournies par ses autorités sur la mesure citée en objet, elle a décidé d'ouvrir la procédure formelle d'examen prévue par l'article 88, paragraphe 2, du traité CE et par l'article 6 du règlement (CE) nº 659/1999 du Conseil du 22 mars 1999 portant modalités d'application de cet article [1].

1. **Procédure**

(1) Le 24 avril 2007, les autorités françaises ont notifié à la Commission leur intention de mettre en place un régime d'aides visant à subventionner des entreprises du secteur de la transformation et de la commercialisation des produits de la pêche et de l'aquaculture. Dans le cadre de l'examen préliminaire prévu à l'article 4 du règlement (CE) nº 659/1999, une demande de renseignements complémentaires a été adressée à la France le 7 juin 2007, afin notamment d'obtenir des précisions sur les bénéficiaires de l'aide et la base juridique de ce régime. Les autorités françaises ont répondu le 11 juillet 2007. La Commission leur a adressé une nouvelle demande de renseignements complémentaires le 11 septembre 2007, à laquelle la France a répondu le 26 octobre 2007. La Commission, ayant constaté, au vu des éléments en sa possession, que le régime d'aide notifié suscitait des doutes sur sa compatibilité avec le marché commun, a décidé d'ouvrir la procédure formelle d'examen.

2. **Description**

(2) Selon les informations contenues dans la notification, le régime d'aide dont il est question vise à subventionner, par des fonds publics uniquement nationaux, des entreprises actives dans le domaine de la transformation et de la commercialisation des produits de la pêche et de l'aquaculture.

Son objectif est d'accorder des aides aux entreprises autres que petites et moyennes, afin de faire bénéficier ces entreprises des mêmes aides que celles dont les petites et moyennes entreprises peuvent bénéficier dans le cadre du règlement (CE) nº 1198/2006 du Conseil du 27 juillet 2006 relatif au Fonds Européen pour la Pêche (FEP) [2].

(3) Les aides seraient financées par un Fonds d'Intervention Stratégique des Industries Agro-Alimentaires (FISIAA). Ce fonds, créé par les autorités françaises, consiste en une inscription budgétaire au budget de l'État, dont la gestion relève du ministère de l'agriculture et de la pêche. L'ensemble des entreprises actives dans le domaine de l'agriculture et de la pêche, et non pas seulement celles actives dans le domaine de la pêche et de l'aquaculture, peuvent bénéficier de subventions octroyées par ce fonds. Il est prévu qu'en 2007, les aides soient réservées aux seules entreprises de plus de 750 salariés ou de plus de 200 Mio EUR de chiffre d'affaires. D'après les explications fournies par la France, il paraît vraisemblable que cette priorité serait maintenue pour les aides accordées après 2007.

(4) La notification est accompagnée d'un appel à projets lancé le 2 mars 2007, en vue de sélectionner les projets correspondants aux objectifs du Fonds d'intervention stratégique des industries agroalimentaires (FISIAA). Cet appel à projets ne concerne que les entreprises actives dans le secteur de l'agriculture, et le cahier des charges n'est donné qu'"à titre d'exemple" des conditions dans lesquelles seraient octroyées les aides aux entreprises actives dans le secteur de la pêche et de l'aquaculture.

(5) Selon les autorités françaises, le FISIAA est actuellement défini par son cadre d'intervention, c'est-à-dire le régime d'aide applicable aux entreprises actives dans le secteur agricole enregistré sous le numéro N 553/03 et approuvé par décision de la Commission européenne du 28 juillet 2004. La notification du présent régime d'aide a ainsi pour objet d'élargir ce cadre d'intervention aux entreprises actives dans le secteur de la pêche et de l'aquaculture.

(6) Le budget indiqué pour ce fonds est de 13 Mio EUR pour l'année 2007 pour l'ensemble des secteurs bénéficiaires (agriculture d'une part et pêche et aquaculture d'autre part). Dans la mesure où il est ouvert à l'ensemble des entreprises actives dans ces deux secteurs, il n'est pas possible à ce stade, selon les autorités françaises, de prévoir quelle est la part de ce montant qui reviendrait effectivement à des entreprises du secteur de la pêche et de l'aquaculture.

(7) S'agissant des dépenses pouvant être couvertes par la subvention, l'appel à projets précise que le fonds a pour objectif de soutenir des projets d'entreprises pouvant intégrer des investissements matériels et immatériels, et présentant "un caractère fortement structurant", et/ou "un positionnement commercial renforcé", et/ou "un caractère innovant". Sont potentiellement éligibles l'ensemble des investissements concourant à la mise en œuvre du processus de stockage, de conditionnement, de transformation et/ou de commercialisation. En particulier ces investissements peuvent consister en dépenses d'acquisition de matériel neuf, ou d'acquisition et aménagement de biens immeubles liés au projet, en dépenses de personnes dédiés au projet, ou encore en prestations immatérielles telles que brevets, études, conseil, etc. L'intensité de l'aide du FISIAA n'excédera pas 15 % des dépenses éligibles pour les investissements matériels et 100 000 EUR pour les investissements immatériels.

3. **Appréciation**

(8) Selon l'article 87, paragraphe 1, du traité, sont incompatibles avec le marché commun dans la mesure où elles affectent les échanges entre États-Membres, les aides accordées par l'État ou au moyen de ressources d'État sous quelque forme que ce soit, qui faussent ou menacent de fausser la concurrence en favorisant certaines entreprises ou certaines productions.

(9) Ces aides, consistant en subventions financées par le budget national (voir point 3), constituent bien des aides accordées par l'État.

[1] JO L 83 du 27.3.1999, p. 1.
[2] JO L 223 du 15.8.2006, p. 1.

(10) L'octroi de ces subventions étant décidé au niveau national, après sélection par les services du ministère de l'agriculture des projets soumis dans le cadre d'un appel à projets, l'aide est imputable à l'État.

(11) Les mesures notifiées sont susceptibles d'affecter les échanges entre États Membres dans la mesure où elles favorisent la production nationale de produits transformés issus de la pêche au détriment de la production des autres États Membres.

(12) Par conséquent, ces aides constituent des aides d'État au sens de l'article 87, paragraphe 1, du traité.

(13) Etant donné qu'il s'agit d'aides au secteur de la pêche et de l'aquaculture, ces aides doivent être analysées à la lumière des lignes directrices pour l'examen des aides d'État destinées au secteur de la pêche et de l'aquaculture ([3]).

(14) Ces lignes directrices renvoient, dans leur paragraphe 3.10, aux critères fixés par le règlement (CE) n° 1595/2004 de la Commission du 8 septembre 2004 concernant l'application des articles 87 et 88 du traité CE aux aides accordées aux petites et moyennes entreprises actives dans la production, la transformation et la commercialisation des produits de la pêche ([4]), qui renvoie lui-même aux critères fixés par le règlement (CE) n° 2792/1999 du Conseil du 17 décembre 1999 définissant les modalités et conditions des aides structurelles de la Communauté dans le secteur de la pêche ([5]).

(15) Le règlement (CE) n° 1595/2004 n'est plus d'application puisqu'il a expiré le 31 décembre 2006. Toutefois, en l'absence d'un nouveau règlement d'exemption et en l'absence d'autres dispositions des lignes directrices applicables au cas présent, la Commission considère qu'elle peut continuer à se référer aux critères définis par le règlement (CE) n° 2792/1999.

(16) Cependant, ce règlement a été abrogé, et remplacé par le règlement (CE) n° 1198/2006, qui dispose, en son article 104, paragraphe 2, que "les références aux règlements abrogés s'entendent comme faites à ce règlement". Par conséquent, c'est à la lumière du règlement (CE) n° 1198/2006 que la compatibilité avec le marché commun du présent régime d'aide doit être examinée.

(17) La Commission observe que les mesures prévues par le FEP dans le domaine de la transformation et de la commercialisation ne visent que les PME. Par conséquent la Commission considère que ce régime d'aide, qui ne s'adresse qu'aux entreprises autres que les PME, ne répond pas aux critères du FEP.

(18) Les autorités françaises ne contestent pas cette analyse puisqu'elles indiquent que "*l'appel à projets n° 2 s'adresserait aux grandes entreprises du secteur de la transformation et de la commercialisation des produits de la mer, c'est-à-dire aux entreprises de plus de 750 salariés et de plus de 200 Mio EUR de chiffre d'affaires, ces entreprises étant exclues du FEP, comme c'est le cas pour les entreprises de transformation des produits agricoles. (…) Les autorités françaises sont bien conscientes que la lecture des lignes directrices pêche et aquaculture de 2004 associée à celle de l'article 104 du Règlement (CE) n° 1198/2006 relatif au fonds européen pour la pêche amène la Commission à indiquer que les grandes entreprises ne peuvent bénéficier d'aides publiques*".

(19) Cela étant, la France justifie le présent régime d'aide par le souci d'harmoniser la situation des entreprises actives dans le secteur de la pêche et de l'aquaculture au regard de l'octroi d'aides publiques avec la situation des entreprises actives dans le secteur agricole, pour lesquelles un régime d'aide similaire a été approuvé en 2004. Cependant, le fait qu'existe un régime d'aide de même nature qui est approuvé pour un autre secteur d'activité est en soi insuffisant pour conclure à la compatibilité d'un régime d'aides s'adressant au secteur de la pêche et de l'aquaculture pour lequel la Commission a adopté des lignes directrices spécifiques, adaptées aux particularités du secteur. Il doit donc être examiné au regard des règles applicables au secteur de la pêche et de l'aquaculture, et non par simple analogie avec un régime existant dans un autre secteur d'activité. Par conséquent, cet argument ne peut pas à ce stade être retenu.

4. **Conclusion**

(20) Compte tenu de ce qui précède, la Commission considère qu'il existe, à ce stade de l'évaluation préliminaire telle qu'elle est prévue à l'article 6 du règlement (CE) n° 659/1999, des doutes sur la compatibilité de cette mesure d'aide avec le marché commun.

(21) C'est pourquoi la Commission, agissant dans le cadre de la procédure prévue à l'article 88, paragraphe 2, du Traité CE, demande à la France de lui présenter ses observations et de lui fournir tous les renseignements nécessaires pour apprécier l'aide en cause, dans un délai d'un mois à compter de la réception de la présente lettre.

(22) Par la présente, la Commission avise la France qu'elle informera les intéressés par la publication de la présente lettre et d'un résumé de celle-ci au *Journal Officiel des Communautés européennes*. Elle informera également les intéressés dans les pays de l'AELE signataires de l'accord EEE par la publication d'une communication dans le supplément EEE du Journal Officiel, ainsi que l'autorité de surveillance de l'AELE en leur envoyant une copie de la présente. Tous les intéressés susmentionnés seront invités à présenter leurs observations à compter d'un mois à compter de la date de cette publication.'

([3]) JO C 229 du 14.9.2004.
([4]) JO L 291 du 14.9.2004, p. 3.
([5]) JO L 337 du 30.12.1999, p. 10.

Prior notification of a concentration

(Case COMP/M.5060 — Theodorus I/Theodorus II/EADS Astrium/Euro Heat Pipes)

Candidate case for simplified procedure

(Text with EEA relevance)

(2008/C 61/08)

1. On 27 February 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 [1] by which the undertaking EADS Astrium SAS ('EADS Astrium', France), belonging to the EADS group ('EADS', France and Germany) and the undertakings Theodorus SCA ('Theodorus I', Belgium) and Theodorus II SA ('Theodorus II', Belgium), both controlled by the Université Libre de Bruxelles ('ULB', Belgium) acquire within the meaning of Article 3(1)(b) of the Council Regulation, joint control of Euro Heat Pipes ('EHP', Belgium) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Theodorus I and Theodorus II: investment funds controlled by ULB,

— for ULB: French university in Brussels operating scientific parks and an academic hospital,

— for EADS: commercial and military air sectors, civil and military helicopters, spacecrafts and electronic defence systems, as well as, through EADS Astrium, design, development and supply of space systems,

— for EHP: design, development, production and testing of thermal control systems used in spacecrafts and satellites.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under 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.

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. Observations can be sent to the Commission by fax ((32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.5060 — Theodorus I/Theodorus II/EADS Astrium/Euro Heat Pipes, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Bruxelles/Brussel

[1] OJ L 24, 29.1.2004, p. 1.
[2] OJ C 56, 5.3.2005, p. 32.

Prior notification of a concentration

(Case COMP/M.5074 — Bosch/Mahle/JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2008/C 61/09)

1. On 21 February 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 [1] by which the undertakings Robert Bosch GmbH ('Bosch', Germany) and Mahle GmbH ('Mahle', Germany) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Bosch Mahle Turbo Systems GmbH & Co.KG ('JV', Germany) by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

— for Bosch: a company active on a worldwide scale in the areas automotive engineering, industrial engineering, consumable goods engineering as well as building services engineering,

— for Mahle: a company active on a worldwide scale and develops, produces and supplies components for the automotive industry,

— for JV: Research and Development, manufacturing and supply of exhaust gas turbochargers.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under 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.

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. Observations can be sent to the Commission by fax ((32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.5074 — Bosch/Mahle/JV, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Bruxelles/Brussel

[1] OJ L 24, 29.1.2004, p. 1.
[2] OJ C 56, 5.3.2005, p. 32.

Prior notification of a concentration

(Case COMP/M.4980 — ABF/GBI Business)

(Text with EEA relevance)

(2008/C 61/10)

1. On 22 February 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 22 of Council Regulation (EC) No 139/2004 ([1]) by which the undertaking Associated British Foods plc ('ABF', United Kingdom) acquires, within the meaning of Article 3(1)(b) of the Council Regulation, control of a number of subsidiaries and assets of GBI Holding BV, certain assets and stakes of GB Ingredients BV and DSM Bakery Ingredients BV (together 'the GBI Business', the Netherlands) by way of purchase of assets and shares.

2. The business activities of the undertakings concerned are:

— for ABF: business group with wholesale and retail activities in the areas of food, ingredients, sugar and agriculture, including yeast products,

— for GBI Business: production and sale of different types of yeast (including fresh yeast and dry yeast for artisan, industrial and home bakers).

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved.

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. Observations can be sent to the Commission by fax ((32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.4980 — ABF/GBI Business, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Bruxelles/Brussel

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

Prior notification of a concentration

(Case COMP/M.5055 — AXA/Klépierre/Annecy Courier)

Candidate case for simplified procedure

(Text with EEA relevance)

(2008/C 61/11)

1. On 27 February 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 [1] by which the undertaking SCI Vendôme Commerces ('Vendôme Commerces', France) belonging to the AXA group ('AXA', France) and the undertaking Klépierre SA ('Klépierre', France) controlled by the group BNP Paribas ('BNPP', France) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the commercial centre Annecy Courier situated in the agglomeration of Annecy in France ('Annecy Courier') by way of purchase of assets.

2. The business activities of the undertakings concerned are:

— for AXA: insurance and related financial services, as well as the management of real estate in Europe and the rest of the world,

— for BNPP: investment banking, retail banking, private banking and asset management, notably the management of commercial centres in Europe through its subsidiary Klépierre,

— for Annecy Courier: commercial centre situated in the agglomeration of Annecy in France.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under 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.

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. Observations can be sent to the Commission by fax ((32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.5055 — AXA/Klépierre/Annecy Courier, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Bruxelles/Brussel

(1) OJ L 24, 29.1.2004, p. 1.
(2) OJ C 56, 5.3.2005, p. 32.

OTHER ACTS

COMMISSION

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

(2008/C 61/12)

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

SUMMARY

COUNCIL REGULATION (EC) No 510/2006

'GOUDA HOLLAND'

EC No: NL/PGI/005/0328/27.11.2003

PDO ( ) PGI (X)

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

1. **Responsible department in the Member State:**

Name: Hoofdproductschap Akkerbouw

Address: Postbus 29739
2502 LS 's-Gravenhage
Nederland

Tel. (31-70) 370 87 08

Fax (31-70) 370 84 44

E-mail: plw@hpa.agro.nl

2. **Group:**

Name: Nederlandse Zuivel Organisatie (NZO)

Address: Postbus 165
2700 AD Zoetermeer
Nederland

Tel. (31-79) 343 03 00

Fax (31-79) 343 03 20

E-mail: info@nzo.nl

Composition: Producers/processors (X) Other ( )

3. **Type of product:**

Class 1.3: Cheese

(1) OJ L 93, 31.3.2006, p. 12.

4. **Specification:**

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

4.1. *Name:* 'Gouda Holland'

4.2. *Description: Gouda Holland* is a full-fat (48+), naturally matured semi-hard cheese. It is produced in the Netherlands from cows' milk obtained from Dutch dairy farms and is matured to a consumer-ready product in Dutch maturing rooms.

Composition

Gouda Holland is produced from one or more of the following raw materials:

— milk, cream and skimmed or semi-skimmed cows' milk (exclusively cows' milk) from Dutch dairy farms.

Characteristic properties

The cheese is shaped like a flattened cylinder, a block or a loaf and weighs from 2,5 kg to 20 kg. A flattened cylindrical shape is a shape with convex sides that curve smoothly into a flat top and bottom and a height that is a quarter to a third of the diameter.

The fat content is a minimum of 48,0 % and a maximum of 52,0 % in dry matter. The (maximum) moisture content 12 days after the first day of manufacture is 42,5 % and the salt content in dry matter is a maximum of 4,0 %. The other characteristic properties are as follows:

— Flavour: aromatic, pleasant and mild to strong, depending on its age. Cumin may be added.

— Cross-section: after slicing the cheese, hole formation is visible but may not be evenly distributed over the cut surface. The colour of the cheese varies from ivory to yellow.

— Rind: the rind is firm, smooth, dry, clean and has no fungal flora. It is produced by drying during the maturing stage.

— Texture: the cheese is slightly soft to pliable at an age of four weeks. Once the cheese has matured further, it becomes firmer and tighter in structure. The cheese is easy to cut.

— Maturing period: at least 28 days. *Gouda Holland* is a naturally matured cheese. Foil maturing is not permitted for *Gouda Holland*.

— Maturing temperature: at least 12 °C.

— Age: the shelf-life varies from a minimum of 28 days after manufacture to more than a year.

Special quality criteria

— When they reach and are stored by the cheesemaker, the milk, cream or semi-skimmed milk have undergone either no heat treatment at all or a non-pasteurising heat treatment.

— The cream and the skimmed or semi-skimmed milk should undergo pasteurisation immediately before being made into *Gouda Holland* so as to meet the following criteria:

  — phosphatase activity is undetectable, unless peroxidase activity is undetectable,

  — measured on the basis of the fat-free product, acidity levels for cream are no higher than 20 mmol NaOH per litre, unless the lactate content is 200 mg per 100 g of fat-free matter or less,

  — no coliform micro-organisms are detectable in 0,1 ml.

— Immediately before being made into *Gouda Holland*, all raw materials must be pasteurised in such a way that the undenatured whey protein content does not deviate or deviates only slightly from that of unpasteurised raw material of a similar type and quality. Only non-genetically modified cultures of lactic-acid-forming and aroma-forming micro-organisms may be added when manufacturing *Gouda Holland*. These cultures consist of appropriate mesophilic starter cultures for *Gouda Holland*: *Lactococcus* and *Leuconostoc* L or LD, possibly in combination with thermophilic *Lactobacillus* and/or *Lactococcus* cultures. The available cultures are protected. Their use is mandatory in the production of *Gouda Holland*.

— Rennet: only calf rennet is used to manufacture *Gouda Holland*. Other types of rennet may be used only in exceptional circumstances, such as if an animal disease makes it necessary. The rennet used will then have to comply with the *Warenwetbesluit Zuivel* (Dairy Products (Commodities Act) Decree).

— The nitrite content of *Gouda Holland*, in terms of nitrite ions, is no higher than 2 mg per kg cheese.

4.3. *Geographical area:* The geographical area covered by the application is Holland, i.e. the European part of the Kingdom of the Netherlands.

4.4. *Proof of origin:* A mark made from casein is placed on each *Gouda Holland* cheese before the curds are pressed (see diagram). The mark contains the designation 'Gouda Holland', together with a combination of figures and letters that is unique for each cheese (in ascending alphabetical and numerical order).

The COKZ (the Dutch dairy inspection institute) keeps a register of these unique numbers, which also contains a record of all test data (including time and place). The indication is easily recognisable to consumers, and can be verified by an approval authority on the basis of the casein mark and the COKZ register.

4.5. *Method of production: Gouda Holland* cheese is made from milk obtained from dairy farms in the Netherlands. The milk is cooled on the farm to a maximum of 6 °C and stored in a cooling tank on the farm. It is transported to the cheese factory within 72 hours. When it arrives at the cheese factory, it is either processed immediately or thermised (a non-pasteurising, light heat treatment) and put into cold storage for a short period of time before being turned into cheese milk.

The fat content of the milk is standardised so that the fat/protein ratio is such that the cheese eventually produced has a fat content of between 48 % and 52 % fat in dry matter. The cheese milk is pasteurised at a temperature of at least 72 °C for 15 seconds. It is curdled at a temperature of approximately 30 °C. The separation and coagulation of the milk proteins that occurs during this process is typical of *Gouda Holland*.

The curds obtained by coagulation are separated from the whey and processed and washed to ensure that the moisture content and pH reach the desired levels. The curds are pressed into the correct shape and desired weight in vats. The resulting 'cheese' is then immersed in the brine bath. *Gouda Holland* is only ever matured naturally, i.e. it is left open to the air to mature and is regularly turned and checked. As the cheese matures, a dry rind forms. Time and temperature play an important role in ensuring that the enzymatic and ageing processes are given sufficient opportunity to allow the cheese to develop the physical and organoleptic quality that is so characteristic of *Gouda Holland*.

It can take more than a year for *Gouda Holland* to mature, depending on the type of flavour desired.

Gouda Holland may be cut and pre-packaged either in or outside the Netherlands, provided that the pre-packager has a comprehensive administrative monitoring system to ensure that the cut *Gouda Holland* can be traced by means of the unique combination of figures and letters on the mark and that the consumer can be sure of its origin.

4.6. *Link:* The geographical component of this product name is 'Holland'. As is common knowledge, 'Holland' is a synonym of the more official name, 'the Netherlands'. During the time of the Republic of the United Netherlands (from the 17th to the 19th century), Holland was the most influential of the seven provinces. Since then, the name has gradually come to refer to the whole territory of the Netherlands. In many countries, the Netherlands is better known or even exclusively known as 'Holland' (Ollanda, etc.).

It is largely the geographical position of the Netherlands (mostly below sea level), its climate (a maritime climate) and the composition of the grass that grows there (predominantly on sandy and clay soils) that make the milk so suitable for producing a high-quality cheese that is packed with flavour. The quality assurance systems in place on dairy farms and the intensive quality assessment system (each delivery of milk is tested and assessed according to various quality parameters) together guarantee the quality of the milk. Furthermore, there is an unbroken cold chain until the moment the milk is processed, with the milk being put into cold storage on the farm (maximum 6 °C) and transported to the factory in refrigerated tankers. The relatively short distances involved also help maintain the quality of the milk.

Historical background

Gouda Holland is an exponent of the Dutch tradition of cheese making, which stretches back to the Middle Ages and reached maturity as early as the 17th century (the Golden Age).

The cheese sold in Gouda became known as Gouda cheese from the 17th century onwards. Later, the name Gouda came to be associated with all full-fat cheeses produced in Holland and shaped like a flattened cylinder.

From its beginnings in farm-based production, *Gouda Holland* has developed, by way of production in local factories, to become a nationally produced product of worldwide renown, and is an important, stable factor in optimising the quality of farm milk. At the beginning of the 20th century, national laws were introduced on Gouda cheese, and the name of *Gouda Holland* was established in the *Landbouwkwaliteitsbeschikking kaasproducten* (Agricultural Quality Decision on Cheese Products).

Gouda Holland's image among European consumers

A large-scale survey carried out in six European countries showed that European consumers see the Netherlands as the most important producer of Gouda and Edam. Furthermore, the reputation and standing of Gouda and Edam are associated with the Netherlands. Gouda (and Edam) are symbols of Dutch cultural heritage. European consumers regard Gouda (and Edam) cheese as brands. Market research (carried out on a representative sample of 1 250 respondents per Member State, with 97,5 % reliability) in the six Member States where Gouda (and Edam) consumption is highest shows that:

— there is a strong association between Gouda and the Netherlands,

— Gouda Holland is more popular than Gouda produced outside the Netherlands,

— almost half of consumers in the Member States surveyed believe that all Gouda is produced in the Netherlands (which is potentially misleading for European consumers, because this is not the case),

— *Gouda Holland* scores significantly higher on the variables 'excellent quality', 'traditionally manufactured' and 'the original product'.

Gouda (and Edam) are synonymous with Dutch quality. Over a number of centuries, various measures and laws have been introduced, both by the Dutch Government and by the industry, to ensure that the very high quality of Gouda (and Edam) is maintained. Moreover, the Dutch dairy industry has invested a substantial amount of money in meeting these high quality standards and opening up, cultivating and maintaining markets. Since 1950, more than NLG 1,4 billion (EUR 635 million) has been invested in advertising, awareness-raising and promotion in Europe (excluding investment in the Netherlands).

4.7. *Inspection body:*

Name: Stichting Centraal Orgaan voor Kwaliteitsaangelegenheden in de Zuivel (COKZ)

Address: Kastanjelaan 7
3833 AN Leusden
Nederland

Tel. (31-33) 496 56 96

Fax (31-33) 496 56 66

E-mail: productcontrole@cokz.nl

4.8. *Labelling:* 'Gouda Holland' is a European Union Protected Geographical Indication (PGI).

This indication must be displayed in a prominent position on all whole cheeses on the label applied to the flat side of the cheese and/or on the band around the cheese. This is not compulsory if the cheese is sold in pre-cut and pre-packaged form as described in Section 4.5. In that case, 'Gouda Holland' must be displayed on the packaging.

A clear distinguishing mark must be displayed on the packaging to enable consumers to identify *Gouda Holland* on the shelves. By using the name 'Gouda Holland', developing an own identity and displaying the EU's PGI symbol, it must be made clear to consumers that *Gouda Holland* is a different product from all other 'Gouda' cheeses. The aim of the application is to prevent European consumers from potentially being misled.

CORRIGENDA

Corrigendum to the Convention on the law applicable to contractual obligations

(Consolidated version)

(Official Journal of the European Union C 334 of 30 December 2005)

(2008/C 61/13)

On page 9, Article 15, title:

for: '**Exclusion of convoi**',

read: '**Exclusion of renvoi**'.