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⁽¹⁾ Text with EEA relevance

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty**Cases where the Commission raises no objections**

(2009/C 189/01)

Date of adoption of the decision	17.4.2009
Reference number of State Aid	N 16/09
Member State	Germany
Region	Brandenburg
Title (and/or name of the beneficiary)	Forest fire prevention measures
Legal basis	Richtlinie des Ministeriums für ländliche Entwicklung, Umwelt und Verbraucherschutz des Landes Brandenburg zur Gewährung von Zuwendungen für die Förderung forstwirtschaftlicher Maßnahmen und der V el settore dell'irrigazionevorschriften zu §§ 44 der Landeshaushaltsordnung
Type of measure	Aid scheme
Objective	Improvement of forest fire prevention
Form of aid	Direct grant
Budget	EUR 22,5 million
Intensity	Max. 100 %
Duration (period)	Until 31.12.2013
Economic sectors	Forestry sector
Name and address of the granting authority	Amt für Forstwirtschaft Templin Waldstraße 2 16798 Fürstenberg/Havel DEUTSCHLAND
Other information	—

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

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

Date of adoption of the decision	28.5.2009
Reference number of State Aid	N 18/09
Member State	Germany
Region	Thuringia
Title (and/or name of the beneficiary)	Waldumweltmaßnahmen
Legal basis	Richtlinie „Förderung von Waldumweltmaßnahmen“
Type of measure	Aid scheme
Objective	Aid to forestry sector
Form of aid	Direct grants
Budget	Total budget of EUR 5 million
Intensity	—
Duration (period)	1.7.2009 until 31.12.2013
Economic sectors	Forestry
Name and address of the granting authority	Thüringer Forstamt Frauenwald Forsthaus Allzunah 98711 DEUTSCHLAND
Other information	—

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

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

Date of adoption of the decision	8.6.2009
Reference number of State Aid	N 30/09
Member State	Italy
Region	Bolzano Province
Title (and/or name of the beneficiary)	Investment aid for the irrigation of agricultural holdings (Bolzano)
Legal basis	— Legge provinciale 14 dicembre 1998, n. 11 e successive modifiche, articolo 4, comma 1, lett. A), pubblicata sul Bollettino Ufficiale della Regione Trentino-Alto Adige del 19.12.1998, n. 54. — Criteri e modalità per la concessione di aiuti per investimenti nel settore dell'irrigazione (text to be adopted after the adoption of the present decision).
Type of measure	Investment aid
Objective	Investment aid
Form of aid	Direct grant
Budget	Overall budget EUR 6 500 000

Intensity	The intensity of the aid will equal 40 % of eligible investments and 50 % of eligible investments in less favoured areas. The intensity of the aid will be 30 % if the beneficiary is a flower production holding or a tree or wine nursery. The intensity will be further reduced by 10 % when the beneficiary is above a certain size.
Duration (period)	From approval by the Commission until 31 December 2013
Economic sectors	Agricultural sector
Name and address of the granting authority	Provincia Autonoma di Bolzano-Alto Adige Via Conciapelli 69 39100 Bolzano BZ ITALIA
Other information	—

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

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

Date of adoption of the decision	3.6.2009
Reference number of State Aid	N 63/09
Member State	Spain
Region	Castilla y Leon
Title (and/or name of the beneficiary)	Ayuda a la inversión a Grupo Alimentario Naturiber S.A.
Legal basis	Draft of Orden de la consejera de agricultura y ganadería por la que se dispone la concesión de una ayuda a grupo alimentario Naturiber, S.A. Decreto 25/2007, de 15 de marzo, por el que se regulan las ayudas regionales a la inversión en la Comunidad de Castilla y León en aplicación del Reglamento (CE) nº 1628/2006
Type of measure	Individual aid based on a scheme
Objective	Investment in the processing and marketing of agricultural products
Form of aid	Direct grant
Budget	EUR 9 184 706,00
Intensity	18,78 %
Duration (period)	After the approval by the Commission to 29.4.2012
Economic sectors	Agricultural sector
Name and address of the granting authority	Conserjería de Agricultura y Ganadería C/ Rigoberto Cortejoso, 14 47014 Valladolid ESPAÑA
Other information	—

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

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

Date of adoption of the decision	25.5.2009
Reference number of State Aid	N 144/09
Member State	Spain
Region	Galicia
Title (and/or name of the beneficiary)	Ayuda a las explotaciones agrícolas afectadas por el temporal de enero de 2009
Legal basis	Decreto 13/2009, de 29 de enero, de medidas urgentes para la reparación de los daños causados por el temporal acaecido en Galicia a partir de 23 de enero. Orden de 2 de febrero de 2009 por la que se convocan ayudas para las explotaciones agrícolas y ganaderas al amparo del Decreto 13/2009, de 29 de enero, de medidas urgentes para la reparación de los daños causados por el temporal acaecido en Galicia a partir del 23 de enero.
Type of measure	Aid scheme
Objective	Compensation for damages and income losses in agricultural holdings caused by the heavy storm in January 2009
Form of aid	Direct grant
Budget	EUR 4 million
Intensity	Up to 100 % of eligible costs
Duration (period)	After the approval by the Commission to 4.11.2009
Economic sectors	Agriculture
Name and address of the granting authority	Consejero del Medio Rural Calle San Gaetano S/N 15781 Santiago de Compostela (A Coruña) ESPAÑA
Other information	—

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

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

Date of adoption of the decision	3.6.2009
Reference number of State Aid	N 227/09
Member State	France
Region	—
Title (and/or name of the beneficiary)	Régime d'aides destiné à secourir les forêts du Sud-Ouest de la France sinistrées par la tempête Klaus du 24 janvier 2009
Legal basis	Article L 2212-1 du code général des collectivités territoriales et L 161-5 du code rural Articles L-321-5-2 et L 322-3-1 ainsi que L322-6 et 322-7 du code forestier
Type of measure	Aid scheme
Objective	Aid to repair damage resulting from natural disasters

Form of aid	Direct grant, interest rate subsidy, tax relief, guarantee
Budget	EUR 791 million
Intensity	—
Duration (period)	Until the final payment is made
Economic sectors	Forestry sector
Name and address of the granting authority	Ministère de l'agriculture et de la pêche 3 rue Barbet de Jouy 75349 Paris 07 SP FRANCE
Other information	—

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

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

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Euro exchange rates ⁽¹⁾

11 August 2009

(2009/C 189/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,4166	AUD	Australian dollar	1,6965
JPY	Japanese yen	136,72	CAD	Canadian dollar	1,5537
DKK	Danish krone	7,4449	HKD	Hong Kong dollar	10,9793
GBP	Pound sterling	0,85840	NZD	New Zealand dollar	2,1126
SEK	Swedish krona	10,3486	SGD	Singapore dollar	2,0489
CHF	Swiss franc	1,5301	KRW	South Korean won	1 759,28
ISK	Iceland króna		ZAR	South African rand	11,5304
NOK	Norwegian krone	8,8265	CNY	Chinese yuan renminbi	9,6825
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,3224
CZK	Czech koruna	25,770	IDR	Indonesian rupiah	14 054,16
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	4,9730
HUF	Hungarian forint	273,10	PHP	Philippine peso	67,596
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	45,7690
LVL	Latvian lats	0,7011	THB	Thai baht	48,228
PLN	Polish zloty	4,1740	BRL	Brazilian real	2,6277
RON	Romanian leu	4,2163	MXN	Mexican peso	18,3946
TRY	Turkish lira	2,1225	INR	Indian rupee	67,9400

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

Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting of 25 September 2008 concerning a preliminary draft decision in Case COMP/39.188 (1) — Bananas

(2009/C 189/03)

1. The Advisory Committee agrees with the Commission that the product affected by the infringement is fresh bananas and with the geographical coverage of the infringement.
 2. The Advisory Committee agrees with the Commission's assessment of the facts as a concerted practice within the meaning of Article 81(1) of the EC Treaty.
 3. The Advisory Committee agrees with the Commission that the pre-pricing communications described in the preliminary draft decision in which the parties (i) discussed or disclosed their views about price trends and/or discussed or disclosed indications of quotation prices for the up-coming week, and (ii) discussed price setting factors (that is factors relevant for setting of quotation prices for the upcoming week), have as their object the restriction of competition within the meaning of Article 81(1) of the EC Treaty and concern the fixing of prices, whereby parties coordinated quotation prices for bananas.
 4. The Advisory Committee agrees with the Commission's assessment that the arrangements for the exchange of quotation prices enabled parties to monitor the individual parties' quotation pricing decisions in the light of pre-pricing communications which took place between parties beforehand.
 5. The Advisory Committee agrees with the Commission's assessment that all the mentioned illicit practices form part of an overall scheme in pursuit of a single anti-competitive economic aim, and therefore constitutes a single and continuous infringement of Article 81(1) of the EC Treaty.
 6. The Advisory Committee agrees with the Commission that the duration of the infringement is from 1 January 2000 to 31 December 2002.
 7. The Advisory Committee agrees with the Commission that the conditions of Article 81(3) of the EC Treaty are not fulfilled in this case.
 8. The Advisory Committee agrees with the Commission draft decision as regards the addressees of the decision, including the liability of parent companies.
 9. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union* according to Article 14(6) of Regulation (EC) No 1/2003.
-

Final report of the Hearing Officer in Case COMP/39.188 — Bananas

(Pursuant to Articles 15 and 16 of Commission Decision 2001/462/EC, ECSC of 23 May 2001 on the terms of reference of Hearing Officers in certain competition proceedings — OJ L 162, 19.6.2001, p. 21)

(2009/C 189/04)

The draft decision in the above-mentioned case gives rise to the following observations.

Statement of Objections

A Statement of Objections (SO) was adopted on 20 July 2007 and addressed to the following companies or group of companies: Chiquita Brands International Inc, Chiquita International Ltd, Chiquita International Services Group N.V. and Chiquita Banana Company B.V. (*Chiquita*); Dole Food Company Inc and Dole Fresh Fruit Europe OHG (*Dole*); Fresh Del Monte Produce Inc, Del Monte Fresh Produce International Inc, Del Monte (Germany) GmbH and Del Monte (Holland) BV (*Del Monte*); Fyffes plc, Fyffes International, Fyffes Group Limited and Fyffes BV (*Fyffes*); FSL Holdings NV and Firma Leon van Parys NV (*LVP*); Internationale Fruchtimport Gesellschaft Weichert & Co KG (*Weichert*).

In the SO the Commission took the preliminary view that the addressees had participated in a single and continuous infringement of Article 81 by exchanging information on banana volumes and quotation prices and by price fixing through the co-ordination of quotation prices for bananas.

Following notification of the SO the Parties were granted access to the Commission's investigation file either in the form of a DVD or, with regard to leniency applications and documents related thereto, at the Commission's premises.

Procedures

The Parties were originally granted a deadline of two months to reply to the SO. Upon reasoned requests a series of extensions were granted to the Parties so requesting. The extensions, which were mainly related to claims concerning the accessibility of the Commission's file, amounted to about two additional months. All Parties replied on time and submitted to the Commission their written observations on the objections raised against them.

In addition, all Parties exercised their right to be heard orally pursuant to Article 12 of Regulation (EC) No 773/2004⁽¹⁾. The Oral Hearing was held on 4-6 February 2008.

During the proceedings numerous complaints of alleged procedural irregularities were made by several Parties claiming that their right to be heard had been breached. Although a majority of these claims were resolved by Competition DG, some were referred to the Hearing Officer. These complaints were examined carefully by me, or the Hearing Officer responsible at the time, and the Parties were informed accordingly. In particular, it was argued that the absence of minutes, transcripts and/or notes from meetings with the leniency applicant in the accessible investigation file amounted to a breach of the rights of defence. It was also claimed that the right to be heard could not be exercised properly due to the existence of numerous illegible pages in the investigation file. In addition, one party requested to be provided with allegedly exculpatory documents, which were not in the investigation file but allegedly in the possession of other Directorates-General of the Commission. Finally, several Parties claimed that the rights of defence require that access be given also to documents submitted to the Commission after the notification of the SO, notably other Parties' replies to the SO.

First, with regard to the absence of minutes, transcripts and/or notes from meetings with the leniency applicant (raised by LVP, Fyffes/Weichert and Dole), the examination led to the following conclusion. Within the framework of the application of the Treaty's competition rules the parties' rights of defence does not impose a general obligation for the Commission services to draw up minutes or make recordings of meetings. Such an obligation exists only if the Commission intends to use in its decision evidence provided orally, in which case a written document must be drawn up. As in this case only formally submitted corporate statements were used as evidence, the Parties' rights of defence could not have been violated by the fact that no records were produced of the meetings in question. In this regard it should be

⁽¹⁾ Commission Regulation (EC) No 773/2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty, OJ L 123, 27.4.2004, p. 18.

noted that any unilateral notes taken by the Commission services can in any case only represent the Commission's own recollection and interpretation of what was said. Such notes would therefore constitute non-accessible internal notes and have no evidentiary value, neither incriminating nor exculpating.

Second, with regard to the claim that the existence of illegible documents on the file could constitute a breach of the right to be heard and more specifically, a breach of the principle of equality of arms (LVP, Fyffes/Weichert, Dole), the following conclusion was reached. In so far as the original documents in the Commission's investigation file are of the comparable quality as the copies on the Parties' DVD, the Commission could not have had better knowledge of the documents that were illegible or hardly legible than did the Parties to the proceedings. The relevant Commission service, upon request and where available, provided the requesting Parties with new copies of a quality comparable to the original documents on the file. Therefore, the Parties had access to the same documents of comparable quality as the Commission itself. Accordingly, it was concluded that the principle of equality of arms had been upheld.

Third, with regard to the request to be provided with potentially exculpatory documents not in the investigation file, albeit in the Commission's possession (Fyffes/Weichert), the Hearing Officer at the time took the following view. As a general rule the Commission is not obliged to provide documents that are not in the investigation file. However, on the basis of a reasoned request that clearly identifies the document(s) and explains the relevance for the defence and potential exculpatory value, the Commission may be obliged to provide it unless the requesting party can obtain the information from other sources without significant extra effort. Conversely, the Commission is not obliged to accede to an unspecified request referring to a large number of documents. The request was assessed in light of these criteria and was found to be partly justified. Competition DG was thus requested to take the appropriate steps to retrieve and provide documents that had been clearly identified in the request to the requesting parties. Conversely, the request was rejected in so far it referred to documents in a vague and abstract manner or documents which could be obtained through other sources.

Finally, with regard to an alleged right to access other parties' replies to the SO (Del Monte), such a right does not exist in general terms. It follows from point 27 of the Commission's Notice on Access to File that access to documents received by the Commission after notification of the SO may be granted only if such documents may constitute new evidence, whether of an incriminating or exculpatory nature. As a party's reply to a SO constitutes that party's individual defence, it could rarely be considered either incriminating or exculpating with regard to other parties to the proceedings. In any case, the Commission is prohibited from using evidence against a party on which the latter has not been granted the opportunity to be heard. With regard to potentially exculpatory information, however, a request cannot be couched in general terms but should be reasoned and indicate, at least in general terms, how a particular piece of information may be useful for a party's defence and be liable to influence the course of the administrative procedure. It follows that the rights of defence will not be infringed where the Commission refuses a party access to other parties' replies to the SO on the basis of a general request claiming that the replies may potentially contain exculpatory information. In light of these criteria I found that Competition DG's refusal to accede to the concerned Party's request and could not lead to a breach of the rights of defence.

Draft Decision

Following the Parties' written and oral submissions, the Commission has dropped all of its objections against Fyffes plc, Fyffes International, Fyffes Group Limited and Fyffes BV (*Fyffes*) as well as FSL Holdings NV and Firma Leon van Parys NV (*LVP*). The Commission has also dropped its objections against Fresh Del Monte Produce Inc., Del Monte Fresh Produce International Inc., Del Monte (Germany) GmbH and Del Monte (Holland) BV, concerning Del Monte's own alleged participation in the infringement. However, Fresh Del Monte Produce Inc.'s liability for the involvement in the infringement of Internationale Fruchtimport Gesellschaft Weichert & Co KG, over which it is held to have exercised decisive influence, is retained.

Moreover, with regard to the other addressees of the draft Decision the scope of the objections has been reduced as compared to the SO and the duration of the infringement has been considerably shortened.

In my opinion the draft Decision relates only to objections in respect of which the parties have been afforded the opportunity to make known their views.

Conclusion

I consider that the right to be heard of all participants to the proceedings has been respected in this case.

Brussels, 10 October 2008.

Karen WILLIAMS

Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting of 10 October 2008 concerning a preliminary draft decision in Case COMP/39.188 (2) — Bananas

(2009/C 189/05)

1. The Advisory Committee agrees with the Commission on the basic amount of the fines.
 2. The Advisory Committee agrees with the Commission on the reductions in the basic amount of the fines due to mitigating circumstances.
 3. The Advisory Committee agrees with the Commission on the immunity from fines pursuant to the 2002 Leniency Notice.
 4. The Advisory Committee agrees with the Commission on the final amounts of the fines.
 5. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union* according to Article 14(6) of Regulation (EC) No 1/2003.
-

Summary of Commission Decision
of 15 October 2008
relating to a proceeding under Article 81 of the EC Treaty
(Case COMP/39.188 — Bananas)
(Notified under document C(2008) 5955 final)
(Only the English and German versions are authentic)
(2009/C 189/06)

On 15 October 2008, the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets. A non-confidential version of the full text of the decision can be found in the authentic languages of the case at the Directorate-General for Competition's website:

<http://ec.europa.eu/competition/antitrust/cases/>

I. INTRODUCTION

1. The decision is addressed to 8 legal entities, belonging to the undertakings Chiquita, Dole and Weichert together with Del Monte which is made jointly and severally liable for the conduct of Weichert, for an infringement of the provisions of Article 81 of the Treaty.
2. The infringement which is the subject of this decision relates to the supply of fresh bananas to the Northern European region of the European Union. For the purpose of the decision 'the Northern European region' comprises Austria, Belgium, Denmark, Finland, Germany, Luxembourg, the Netherlands and Sweden.
3. The Commission's investigation started on the basis of an immunity application under the 2002 Leniency Notice made by Chiquita. After Chiquita had submitted additional corporate statements and provided documents, the Commission granted Chiquita conditional immunity from fines in accordance with point 8(a) of the Leniency Notice. Thereafter, Chiquita made a number of further corporate statements and submitted copies of documents.
4. On 2 and 3 June 2005, the Commission carried out inspections under Article 20(4) of Regulation (EC) No 1/2003 at the premises of inter alia Dole, Del Monte and Weichert. Between February 2006 and May 2007 the Commission sent several requests for information under Article 18(2) of Regulation (EC) No 1/2003 to, amongst others, Dole, Del Monte and Weichert. The Commission also requested additional information and documents from Chiquita in accordance with the continuous cooperation obligation of an immunity applicant under the Leniency Notice.
5. The Commission's Statement of Objections of 20 July 2007 was addressed to 17 legal entities.
6. All the parties to which the Statement of Objections was addressed replied to the objections raised by the Commission and participated at an Oral Hearing held from 4 to 6 February 2008.

2. Summary of the infringement

7. The decision concludes that Chiquita, Dole and Weichert engaged in bilateral pre-pricing communications during which they discussed banana price setting factors, that is factors relevant for setting of quotation prices for the upcoming week and discussed or disclosed price trends and/or indications of quotation prices for the up-coming week. Such communications took place before the parties set their quotation prices. These communications are referred to as 'pre-pricing communications'. The decision concludes that there was a consistent pattern of pre-pricing communications, even though they did not necessarily take place every week. Moreover, once they had set their quotation prices on Thursday mornings, the parties bilaterally exchanged these quotation prices or at least had a mechanism in place, which enabled them to bilaterally exchange information about quotation prices set. It is concluded that this exchange of quotation prices enabled the parties to monitor the individual parties' quotation pricing decisions in the light of pre-pricing communications which took place between parties beforehand.
8. The decision concludes that the object of pre-pricing communications was to reduce uncertainty as to the conduct of the parties with respect to the quotation prices to be set by them. These communications gave rise to a concerted practice which concerned the fixing of prices.

9. The decision concludes that the facts described in it demonstrate that the conduct of the parties in relation to the pre-pricing communications was of such nature that it gave rise to the infringement being implemented. They took place before the parties set their quotation prices, repeatedly and over a long period of time. Moreover, there was also a mechanism of exchange of quotation prices in place, which was used by the parties. This exchange of quotation prices after they were set served for monitoring parties' quotation price decisions in the light of pre-pricing communications which took place between parties beforehand.
10. The infringement period retained in the decision is from 1 January 2000 to 31 December 2002 for Dole and Weichert, and from 1 January 2000 to 1 December 2002 for Chiquita. The Commission finds that Del Monte exercised decisive influence over Weichert during the period of Weichert's participation in the infringement.

3. Addressees

11. The present decision is addressed to the following 8 legal entities, belonging to the undertakings Chiquita, Dole and Weichert together with Del Monte which is made jointly and severally liable for the conduct of Weichert:

- Chiquita Brands International Inc.,
- Chiquita International Ltd.,
- Chiquita International Services Group N.V.,
- Chiquita Banana Company B.V.,
- Dole Food Company, Inc.,
- Dole Fresh Fruit Europe OHG,
- Internationale Fruchtimport Gesellschaft Weichert & Co. KG,
- Fresh Del Monte Produce Inc.

4. Remedies

Basic amount of the fine

12. The basic amount of the fine is determined as a proportion of the value of the sales of the relevant product made by each undertaking in the relevant geographic area during the last full business year of the infringement ('variable amount'), multiplied by the number of years of the infringement, plus an additional amount, also calculated as a proportion of the value of sales, in order to deter a horizontal concerted practice which concerned the fixing of prices ('entry fee').

13. The infringement consisted of a horizontal concerted practice which concerned the fixing of prices. The criteria to be taken into account in order to set out proportions of the value of sales are the nature of the infringement (in this case horizontal price coordination), the combined market share of the undertakings participating in the infringement and the geographic scope (the Northern European region of the EU).
14. Taking into account that the infringement lasted for 3 years for Dole and Weichert and for 2 years and 11 months for Chiquita, the variable amount is multiplied by 3.
15. According to Point 25 of the 2006 Guidelines on fines an additional amount of 15 % of the value of sales is imposed on the addressees.

Adjustments to the basic amount

16. No aggravating circumstances have been found.
17. The Commission takes into account the fact that during the relevant period the banana sector was subject to a very specific regulatory regime, in favour of all the parties, as a mitigating circumstance as well as that the coordination related to quotation prices.
18. The Commission takes into account as a mitigating circumstance that it cannot be proven that Weichert was aware of or ought reasonably to have foreseen the communications between Chiquita and Dole taking place before the setting of quotation prices.
19. In application of Point 30 of the 2006 Guidelines on fines the Commission does not apply any specific increase for deterrence in this case to any of the addressees.

Application of the 10 % turnover limit

20. No reduction of fines is made as a result of the 10 % worldwide turnover limit provided for in Article 23(2) of Regulation (EC) No 1/2003.

Application of the 2002 Leniency Notice: reduction of fines

21. Chiquita was the first undertaking to inform the Commission about a secret cartel concerning sales of bananas. Chiquita applied for immunity under the terms of the Leniency Notice. As the information provided by Chiquita enabled the Commission to adopt a decision to carry out inspections pursuant to Article 20(4) of Regulation (EC) No 1/2003, Chiquita was granted conditional immunity from fines pursuant to point 8(a) of the Leniency Notice.

22. According to the evidence in the Commission's possession, Chiquita terminated its involvement in the infringement at the latest at the time at which it first submitted evidence to the Commission. Furthermore, there is no evidence that Chiquita exerted pressure on other addressees to join the cartel arrangements. Finally, the Commission is of the opinion that Chiquita has fulfilled the requirements of point 11(a) of the Leniency Notice. Chiquita is granted immunity from any fines that would otherwise have been imposed on it.

III. DECISION

23. The following undertakings infringed Article 81 of the EC Treaty by participating in a concerted practice by which they coordinated quotation prices for bananas:

- (a) Chiquita Brands International Inc. from 1 January 2000 until 1 December 2002;
- (b) Chiquita International Ltd. from 1 January 2000 until 1 December 2002;
- (c) Chiquita International Services Group N.V. from 1 January 2000 until 1 December 2002;
- (d) Chiquita Banana Company B.V. from 1 January 2000 until 1 December 2002;
- (e) Dole Food Company, Inc. from 1 January 2000 until 31 December 2002;
- (f) Dole Fresh Fruit Europe OHG from 1 January 2000 until 31 December 2002;

(g) Internationale Fruchtimport Gesellschaft Weichert & Co. KG from 1 January 2000 until 31 December 2002;

(h) Fresh Del Monte Produce Inc. from 1 January 2000 until 31 December 2002.

The infringement covered the following Member States: Austria, Belgium, Denmark, Finland, Germany, Luxembourg, the Netherlands and Sweden.

24. For the infringement described above, the following fines are imposed:

- (a) Chiquita Brands International Inc., Chiquita International Ltd., Chiquita International Services Group N.V. and Chiquita Banana Company B.V., jointly and severally a fine of EUR 0;
- (b) Dole Food Company, Inc. and Dole Fresh Fruit Europe OHG, jointly and severally a fine of EUR 45 600 000;
- (c) Internationale Fruchtimport Gesellschaft Weichert & Co. KG, jointly and severally liable with Fresh Del Monte Produce Inc., a fine of EUR 14 700 000.

25. The undertakings listed above shall immediately bring to an end the infringement insofar as they have not already done so. They shall refrain from repeating any act or conduct as described above and from any act or conduct having the same or similar object or effect.

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 1857/2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001

(2009/C 189/07)

Aid No: XA 150/09**Member State:** France**Region:** Région Rhône Alpes**Title of aid scheme:** Aides aux investissements pour l'aménagement de pâturages, prairies et parcours (clôtures et abreuvoirs) en Rhône-Alpes**Legal basis:**

Article 4 of Regulation (EC) No 1857/2006 of 15 December 2006

Articles 1511-1 et s. du Code général des collectivités territoriales

Délibération du Conseil Régional Rhône Alpes 29 janvier 2009

Annual expenditure planned under the scheme: EUR 150 000**Maximum aid intensity:** 30 % of the eligible investment, for maximum expenditure of EUR 5 000**Date of implementation:** As soon as the exemption form has been registered on the site of the Commission's Directorate-General for Agriculture and Rural Development**Duration of scheme:** Until 31 December 2013**Objective of aid:**

In accordance with Article 4 of Regulation (EC) No 1857/2006, the purpose of the aid is to promote the grazing of livestock and improved pasture management in connection with the objective of ensuring the self-sufficiency of agricultural holdings as regards feedingstuffs. Improving the use of pasture and exploiting and maintaining runs will promote self-sufficiency. Increasing pasture resources will lead to a reduction in purchases of concentrates and, consequently, production costs.

The support will cover part of the cost of equipment for installing fences and drinking troughs in order to promote the grazing of livestock and improved pasture management.

The aid will be paid subject to an individual analysis of the holding being carried out and to the project proposed by the farmer being compatible with the recommendations made on the basis of that analysis.

In order to receive the aid, applicants must submit with their application a summary of the individual analysis of the holding setting out multiannual recommendations. The aid requested must be appropriate in the light of those recommendations.

Aid will be paid once only and will cover 30 % of the investment, for maximum expenditure of EUR 5 000.

In accordance with Article 4(5) of Commission Regulation (EC) No 1857/2006, aid may be granted only to agricultural holdings that are not enterprises in difficulty

Sector(s) concerned: All agricultural holdings in the Rhône Alpes Region aiming to achieve self-sufficiency in feedingstuffs**Name and address of the authority responsible:**

Monsieur le Président du Conseil régional Rhône Alpes
Direction de l'agriculture et du développement rural
Service Agriculture
78 route de Paris
69751 Charbonnières les Bains Cedex
FRANCE

Website:

http://www.rhonealpes.fr/TPL_CODE/TPL_AIDE/PAR_TPL_IDENTIFIANT/309/18-les-aides-de-la-region.htm

Aid No: XA 151/09**Member State:** France**Region:** Région Rhône Alpes**Title of aid scheme:** Diagnostics d'exploitation individuels dans les exploitations de Rhône-Alpes en vue d'accroître leur autonomie alimentaire**Legal basis:**

Article 15 of Regulation (EC) No 1857/2006 of 15 December 2006

Articles 1511-1 et s. du code général des collectivités territoriales

Délibération du Conseil régional Rhône Alpes 29 janvier 2009

Annual expenditure planned under the scheme:
EUR 120 000

Maximum aid intensity: 80 % with a limit of EUR 800 (aid amount) per farm

Date of implementation: As soon as the exemption form has been registered on the site of the Directorate-General for Agriculture and Rural Development of the Commission

Duration of scheme: Until 31 December 2013

Objective of aid:

In accordance with Article 15 of Regulation (EC) No 1857/2006 the objective of the aid is to provide farmers with technical assistance to assist them in their plans to move towards greater food self-sufficiency.

The diagnosis work will have several objectives:

- to assess farms in terms of their food self-sufficiency,
- to identify the strengths and weaknesses of farms in terms of food self-sufficiency,
- to specify general actions for development in order to improve food self-sufficiency whilst guaranteeing the viability of farms, in a regional context.

On the basis of these specifications farmers will be able to improve the food self-sufficiency of their farms, for example, by favouring including grass in the fodder system, by modifying their grazing resource management practices or by integrating protein crops into their rotation cropping.

The Région Rhône Alpes wants to support farmers expressing a wish to change their fodder and food system in order to improve food self-sufficiency with a view to reducing the cost of the protein supplement and adapting production methods to climate changes.

Therefore those candidates wishing to change their farm to ensure greater food self-sufficiency should be assisted and awarded, in order to carry out on each farm an assessment of its food self-sufficiency and to draw up a programme of specifications over three years, up to 80 % of the eligible costs with a ceiling for expenses of EUR 1 000 per farm.

Payments will be made by a farming structure, in accordance with the regional specifications, to whom the State aid will be paid. The farm benefiting from the service will therefore receive aid in kind

Sector(s) concerned: All farms in the Rhône Alpes Region committed to achieving greater food self-sufficiency

Name and address of the granting authority:

Monsieur le Président du Conseil Régional Rhône-Alpes
Direction de l'agriculture et du développement rural
Service Agriculture
78 route de Paris
69751 Charbonnières les Bains Cedex
FRANCE

Website:

http://www.rhonealpes.fr/TPL_CODE/TPL_AIDE/PAR_TPL_IDENTIFIANT/307/18-les-aides-de-la-region.htm

Aid No: XA 153/09

Member State: Federal Republic of Germany

Region: Freie und Hansestadt Hamburg

Title of aid scheme or name of company receiving individual aid:

Richtlinie für die Gewährung von Beihilfen für Maßnahmen zur Impfung gegen den Serotyp 8 des Virus der Blauzungenerkrankung (BTV 8-Beihilferichtlinie)

<http://www.hamburg.de/contentblob/1371778/data/beihilfe-blauzungenerkrankung.pdf>

Legal basis: Artikel 7 Absatz 1 Nummer 3 des Hamburgischen Ausführungsgesetzes zum Tierseuchengesetz vom 6. Februar 2007 (HmbGVBl. S. 68)

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: The estimated annual budget for granting aid under the BTV-8 aid scheme is EUR 6 000

Maximum aid intensity: 100 % of the costs of the vaccine

Date of implementation: From the date of publication of the aid scheme by the European Commission

Duration of scheme or individual aid award: Until 31 December 2009

Objective of aid: Combating bluetongue (serotype 8) in accordance with Article 10 of Regulation (EC) No 1857/2006

Sector(s) concerned: Farmers (only small and medium-sized enterprises within the meaning of Annex I to Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation) (OJ L 214, 9.8.2008, p. 3)) who own animals susceptible to bluetongue serotype 8

Name and address of the granting authority:

Behörde für Soziales, Familie
Gesundheit und Verbraucherschutz
Fachabteilung Lebensmittelsicherheit und Veterinärwesen
Billstraße 80
20539 Hamburg
DEUTSCHLAND

Other information: —

Aid No: XA 155/09

Member State: Spain

Region: Comunitat Valenciana

Title of aid scheme or name of company receiving an individual aid: Asociación empresarial de productores de porcino de la Comunidad Valenciana

Legal basis: Resolución de la Conselleria de Agricultura, Pesca y Alimentación, por la que se concede una subvención nominativa a la Asociación empresarial de productores de porcino de la Comunitat Valenciana (PROGAPORC C.V)

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: EUR 12 000 during 2009

Maximum aid intensity: 100 % of the eligible expenditure

Date of implementation: From the date of publication of the identification number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development

Duration of scheme or individual aid award: From 1 January 2009 until 31 December 2013

Objective of aid: Training, promotion and dissemination of livestock farming in the light of market requirements as regards food safety, traceability and environmental impact in the pig meat sector in the Community of Valencia (Article 15 of Regulation (EC) No 1857/2006)

Sector(s) concerned: Pig farmers

Name and address of the granting authority:

Conselleria de Agricultura, Pesca y Alimentación
C/ Amadeo de Saboya, 2
46010 Valencia
ESPAÑA

Website:

http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/progaporc09.pdf

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 1857/2006 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001

(2009/C 189/08)

Aid No: XA 156/09

Member State: Spain

Region: Comunitat Valenciana

Title of aid scheme or name of company receiving an individual aid: Ayudas compensatorias por los costes de prevención y erradicación de Salmonelosis en avicultura

Legal basis: Borrador de Orden de la Conselleria de Agricultura, Pesca y Alimentación, por la que se establecen Ayudas compensatorias por los costes de prevención y erradicación de Salmonelosis en avicultura

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: EUR 800 000

Maximum aid intensity: 80 % of the eligible expenditure

Date of implementation: From the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development.

Duration of scheme or individual aid award: Until 31 December 2013

Objective of the aid: Article 10 of Regulation (EC) No 1857/2006 (aid in respect of animal and plant diseases and pest infestations)

Sector(s) concerned: SMEs on the Comunitat Valenciana's register of livestock holdings for poultry.

Name and address of granting authority:

Conselleria de Agricultura Pesca y Alimentación
C/ Amadeo de Saboya, 2
46010 Valencia
ESPAÑA

Website:

http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/salmonelosis2009.pdf

Other information: —

Aid No: XA 157/09

Member State: Spain

Region: Comunitat Valenciana

Title of aid scheme or name of company receiving an individual aid: Universidad Politécnica de Valencia

Legal basis: Resolución de la Consellera de Agricultura Pesca y Alimentación, que concede la subvención basada en una línea nominativa descrita en la ley 17/2008 de presupuestos de la Generalitat

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: EUR 24 000 during 2009

Maximum aid intensity: 100 % of the eligible expenditure

Date of implementation: As from the publication of the identification number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development

Duration of individual aid award: Throughout 2009 and until 31 December 2013

Objective of the aid:

To develop livestock farming through training, advisory and technical assistance service to livestock farmers (Article 15 of Regulation (EC) No 1857/2006).

The aid will cover the eligible costs of training livestock farmers (costs of organising the training programme, participants' travel and subsistence expenses), consultancy services provided by third parties (not those usually used by the undertaking), the organisation of knowledge-sharing forums, and publications such as catalogues or websites.

Sector(s) concerned: Livestock sector

Name and address of the granting authority:

Conselleria de Agricultura, Pesca y Alimentación
C/ Amadeo de Saboya, 2
46010 Valencia
ESPAÑA

Website:

http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/upv09.pdf

Aid No: XA 158/09

Member State: Spain

Region: —

Title of aid scheme or name of company receiving an individual aid: Subvenciones destinadas a las Agrupaciones de Defensa Sanitaria Ganaderas (ADSG en lo sucesivo)

Legal basis:

Proyecto de Real Decreto /2009, por el que se establecen las bases reguladoras de las subvenciones destinadas a las agrupaciones de defensa sanitaria ganaderas (pendiente de publicación en el Boletín Oficial del Estado).

This sets out details of the requirements and the health programmes to be applied, lays down the criteria for distribution between the various Autonomous Communities and adapts the rules to the new *Reglamento de la Ley de Subvenciones* (as approved by Royal Decree No 887/2006 of 21 July 2006), which has involved slight adjustments.

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: The planned expenditure from the public purse to be granted to all the beneficiaries as a whole is EUR 8 million in 2009, to be gradually increased to EUR 16,5 million in 2013 for a maximum overall amount of EUR 57,15 million

Maximum aid intensity: In accordance with Article 10(1) of Regulation (EC) No 1857/2006, the aid intensity may not exceed 100 % of the eligible activity.

Date of implementation: The granting of aid regulated by the Royal Decree is subject to the publication of the registration number of the exemption request on the website of the European Commission's Directorate-General for Agriculture and Rural Development. The aid may not be applied before the date of the above publication.

Duration of scheme or individual aid award: Until 31 December 2013. A call for proposals will be published annually.

Objective of aid:

Transparent aid to Livestock Health Protection Groups (ADSG) for the provision to integrated livestock farms, which must be agricultural producer SMEs, of common health measures and programme implementation in respect of diseases mentioned in the list of animal diseases established by the World Organisation for Animal Health (OIE) and in the Annex to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field. The aid will cover the following:

- (a) Health checks, diagnostic or laboratory tests or other screening measures to detect animal disease, including expenses for ADSG veterinary doctors' professional activities. Expenses relating to sampling or diagnostic activities by ADGS veterinary doctors within the framework of national programmes for the eradication of animal disease part-financed by the European Union are excluded.
- (b) The purchase and administration of vaccines, veterinary medicines, biocides and other animal health products, including the expenses for ADGS veterinary doctors' professional activities.
- (c) The slaughter of animals or the destruction of beehives, either infected or suspected of being infected, including the expenses for ADGS veterinary doctors' professional activities.
- (d) The application of any additional health measures decided by the competent bodies of the autonomous community where the ADGS operates, based on the health conditions of the area and the specific features of each livestock health protection group, including the expenses for ADGS veterinary doctors' professional activities.

The aid will be granted for activities carried out after submitting the aid application.

The aid, granted in kind to producers, falls under Article 10(1) of Regulation (EC) No 1857/2006.

Sector(s) concerned: ADGS consisting of SMEs operating in the field of primary production.

Name and address of the granting authority:

Ministerio de Medio Ambiente, y Medio Rural y Marino
C/ Alfonso XII, 62
28014 Madrid
ESPAÑA

Website:

The full text of the scheme criteria and conditions is available on the following website:

http://www.mapa.es/ministerio/pags/normas/proyecto_RD_ayudas.pdf

Likewise, once approved, the full text of the draft aid programme will be available on the Spanish Official State Gazette website:

<http://www.boe.es/g/es/iberlex/>

Other Information:

The grants will be compatible with any others that may be granted by other public administrations, public bodies attached to or subordinate to them, be they national or international, and other, private, natural or legal persons. However, grants, taken alone or together with one or more other aid payments or grants from any other administration, public body or natural or legal person, may not exceed the limits laid down in Commission Regulation (EC) No 1857/2006 of 15 December 2006 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001.

More detailed information on scheme eligibility rules and criteria is available on the above websites.

Aid No: XA 160/09

Member State: Spain

Region: Comunitat Valenciana

Title of aid scheme or name of company receiving an individual aid: Asociación de Criadores de cordero del Maestrat

Legal basis: Resolución de la Conselleria de Agricultura, Pesca y Alimentación, que concede la subvención basada en una línea nominativa descrita en la ley 17/2008 de presupuestos de la Generalitat

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: EUR 12 000 during 2009

Maximum aid intensity: 100 % of the eligible expenditure

Date of implementation: from the date of publication of the identification number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development

Duration of scheme or of individual aid award: From 1 January 2009 to 31 December 2013

Objective of aid:

Strategy and viability plan for the Maestrat lamb sector, involving in particular the introduction of a quality label (Article 14 of Regulation (EC) No 1857/2006).

Eligible expenditure includes hiring technical personnel to implement the strategy and viability plan, as well the cost of third party services needed to carry out the experiments, tests and studies provided for in this decision, as well as the costs

resulting from disseminating the plan, including for training the livestock farmers. It also includes the direct costs of advising the livestock farmers on implementing the viability plan, but not investment expenditure

Sector(s) concerned: Maestrazgo lamb sector; livestock farmers in the Maestrat district

Name and address of the granting authority:

Conselleria de Agricultura, Pesca y Alimentación
C/ Amadeo de Saboya, 2
46010 Valencia
ESPAÑA

Website:

http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/accm09.pdf

Valencia, 12 May 2009

Director-General for Agricultural Production
Laura PEÑARROYA FABREGAT

Aid No: XA 191/09

Member State: United Kingdom

Region: Scotland

Title of Aid scheme or name of company receiving an individual aid: Bluetongue Vaccination Campaign — 2nd Phase

Legal Basis: Section 4(3) of the Small Landholders Act 1911

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: GBP 1 200 000

Maximum aid intensity: 50 %

Date of implementation: The scheme will start on the 1 July 2009

Duration of scheme or individual aid award: The scheme will start on 1 July and close on 31 December 2009.

Objective of aid: Aid to SMEs

Sector(s) concerned: The scheme applies to the small and medium-sized enterprises involved in the primary production of agricultural products.

Name and address of the granting authority:

Scottish Government
Pentland House
47 Robbs Loan
Edinburgh
EH14 1TY
UNITED KINGDOM

Website:

<http://www.scotland.gov.uk/Topics/Agriculture/animal-welfare/Diseases/SpecificDisease/bluetongue/BTVaccination/BTVaccinationStateAidInfo>

Other information:

The aim of the Scottish Vaccination Campaign against bluetongue serotype 8 (BTV8) is to keep Scottish livestock free from disease. Vaccination of cattle and sheep is compulsory, and vaccination of all other domestic susceptible animals is

voluntary (though strongly encouraged). The aid provided by the Scottish government will reduce the cost of the vaccine to producers and animal keepers by 50 % of the manufacturer's costs. Producers and animal keepers will pay the balance of the manufacturing and delivery costs.

At the beginning of the campaign in 2008, the Scottish government secured 12 million doses of vaccine for use by livestock producers and animal keepers meeting the definition of an SME. Of this 12 million, 5.5 million unused doses remain available, worth GBP 1 200 000. This second phase will continue to help producers and animal keepers meet the costs of bluetongue vaccination. The vaccine is supplied on a first come first, served basis. If the vaccine supply sells out, animal keepers will then have to pay the full commercial price for the vaccine.

The scheme complies with Chapter 1 Article 10 of Regulation (EC) No 1857/2006, by providing support of up to 50 % of the bluetongue vaccine manufacturing cost for SMEs. The support has been provided directly to the vaccine manufacturers. Producers will therefore receive the vaccine at the supported price when purchased from veterinary practices and is granted in kind by means of a subsidised service which will not involve direct payment of money to producers.

Farmers can administer the vaccine themselves, except where veterinary administration and certification is specifically required.

It is anticipated that all the vaccine will be used during the life of this scheme.

V

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

COMMISSION

Prior notification of a concentration**(Case COMP/M.5605 — Credit Mutuel/Monabanq)****(Text with EEA relevance)**

(2009/C 189/09)

1. On 4 August 2009, 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 Banque Federative du Credit Mutuel S.A. ('Credit Mutuel', France) acquires within the meaning of Article 3(1)(b) of the Council Regulation sole control of the undertaking Monabanq. ('Monabanq', France) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for undertaking Credit Mutuel: products and services associated to the banking and insurance sectors mainly in France,

— for undertaking Monabanq: active in retail banking and insurance, mainly 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.

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 22964301 or 22967244) or by post, under reference number COMP/M.5605 — Credit Mutuel/Monabanq, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

OTHER ACTS

COMMISSION

Publication of an amendment 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

(2009/C 189/10)

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

AMENDMENT APPLICATION

COUNCIL REGULATION (EC) No 510/2006**Amendment application pursuant to Article 9****‘PROSCIUTTO DI CARPEGNA’****EC No: IT-PDO-0105-1496-02.03.2007****PGI () PDO (X)****1. Heading in the specification affected by the amendment:**

- Name of product
- Description
- Geographical area
- Proof of origin
- Method of production
- Link
- Labelling
- National requirements
- Other (to be specified)

2. Type of amendment:

- Amendment to single document or summary sheet
- Amendment to specification of registered PDO or PGI for which neither the single document nor the summary sheet has been published
- Amendment to specification that requires no amendment to the published single document (Article 9(3) of Regulation (EC) No 510/2006)

- Temporary amendment to specification resulting from imposition of obligatory sanitary or phytosanitary measures by public authorities (Article 9(4) of Regulation (EC) No 510/2006)

3. Amendment(s):

3.1. Description:

The amendments simply further specify certain points for the sake of greater completeness and clarity with the aim of setting out defined and definitive aspects useful for checking and hence guaranteeing the total quality of the product. To that end, a number of physical, organoleptic and chemical values have been specified in a clearer and more pragmatic form.

In particular, the section relating to the weight and consistency of the finished prosciutto has been reworded.

It became apparent that we needed to replace the previous description of mean, maximum and minimum values for salt (NaCl) and water content and protein breakdown with a reformulated description of values that were more organic and, in particular, more consistent with the technological practice that has become established in recent decades.

3.2. Method of production:

In order to obtain an objective parameter meeting the requirements of tradition and those noted above, we thought it appropriate to reformulate the description in Article 2 of the weight of the fresh hind legs, which 'must not be less than 12 kg'.

A number of amendments were made to Article 4 regarding the production method.

In particular, the reference to '72 hours' for the delivery of the raw material has been replaced by a more appropriate reference to '96 hours' in order to bring the production rules into line with those for other products in the same product group. In this respect, it should be pointed out that in the original dossiers which were the basis for the recognition of other types of prosciutto the maximum time permitted between the slaughter and processing phases is set at '120 hours'.

To facilitate monitoring, the range of the controlled temperature at which the hind legs should be stored if they are not processed immediately after delivery up to the time they reach the production workstation has been specified as 'between - 1 °C and + 4 °C'.

Considering the traditional processing methods actually used, the duration of the first salting has been specified as at most 7 days and not 'for seven days' as stated in the previous version. The ambient conditions of the chiller have also been made more specific, with a 'temperature of no less than 0 °C and high humidity' rather than simply 'controlled temperature and relative humidity'.

The duration of the second salting has been reduced to 11 days, as the previous time period set as '12-14 days' seemed excessively long. This amendment makes it possible to operate in a way that still respects tradition while satisfying unavoidable production requirements.

In order to maintain the health and hygiene aspects of the production process, which is not easy to reconcile with drilling the bone as part of the processing, the description of the tying methods needs to be reformulated and another method specified, namely 'tying with a slip knot in the upper section of the *gambo*, or conical end of the ham'.

To provide a description which is more precise and less likely to be misinterpreted, in Article 5 of the rules, the description of the maturing period as 'on average 14 months and never less than 12' has been replaced by 'is not less than 13 months' in order to clarify the minimum requirement needed to adhere to traditional practice.

3.3. Labelling:

To make it more easily recognisable to the final consumer, the ham should be branded with the identifying mark featuring the words 'Prosciutto di Carpegna'.

The amendment to the specification was proposed by the company San Leo Carpegna Srl (registered office: Carpegna 61021 (PU), Via Petricci), which has a legitimate interest in the matter, being the sole recognised producer actively engaged in the production of 'Prosciutto di Carpegna' PDO.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

'PROSCIUTTO DI CARPEGNA'

EC No: IT-PDO-0105-1496-02.03.2007

PGI () PDO (X)

1. Name:

'Prosciutto di Carpegna'

2. Member State or third country:

Italy

3. Description of the agricultural product or foodstuff:

3.1. Type of product (Annex II):

Group 1.2: Meat products (cooked, salted, smoked, etc.)

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

'Prosciutto di Carpegna' is a matured raw prosciutto (ham), produced by processing hind legs of heavyweight pigs in a process lasting no less than 13 months within the geographical area.

At the end of the processing, 'Prosciutto di Carpegna' has a rounded shape, tending to be flat rather than spherical, with a sufficient layer of fat on the part opposite the haunch and weighing no less than 8 kg.

When cut, it presents a salmon-pinkish colour and an adequate quantity of solid fat, white and white-pink in colour. It has a delicate penetrating aroma of matured meat, the taste is delicate and fragrant, the consistency of the meat tender and supple.

The chemical and physico-chemical characteristics are: percentage water content between 57 and 63 %; salt/water ratio (coefficient of the ratio of the percentage of salt to that of water content) between 7,8 and 11,2; water/protein ratio (coefficient of the ratio of the percentage of water to that of total protein content) between 1,9 and 2,5 and protein breakdown index (percentage of the soluble nitrogen fraction soluble in trichloroacetic acid (TCA) with reference to total nitrogen content) not less than 24 and not more than 31.

'Prosciutto di Carpegna' can be marketed whole, boned — either '*pressato*' (pressed) or '*all'addobbo*' (trimmed) after completely removing the coating applied during maturing and the superfluous outer fat layer — and portioned after slicing and packaging under vacuum or in a modified atmosphere. For the slicing and packaging of 'Prosciutto di Carpegna', prosciutto matured for at least 14 months must be used.

3.3. Raw materials (for processed products only):

'Prosciutto di Carpegna' is produced exclusively using fresh hind legs obtained from boars born, reared and slaughtered within the territory of the regions of Lombardy, Emilia-Romagna and Marche and belonging to the breeds Italian Large White, Italian Landrace and Italian Duroc or other breeds or hybrids compatible with the requirements of the Italian Herd Book for heavyweight pigs; pure breeding animals of the breeds Belgian Landrace, Hampshire, Pietrain, Duroc and Spotted Poland and carrying antithetic traits, with particular reference to the propensity to porcine stress syndrome (PSS), may not be used.

The characteristics of heavyweight pigs selected by the Italian Herd Book match the terms of Council Regulation (EEC) No 3220/84, as later amended, determining the Community scale for grading pig carcasses; however, under these classification criteria, only hind legs obtained from carcasses in the central grades are permitted.

The adult pigs that may be used for the preparation of the raw material for 'Prosciutto di Carpegna' are sent to slaughter — animals with a liveweight of no less than 160 kg \pm 10 % and aged no less than 10 months can be used — with adequate proof of their origin and source; this enables trimmed hind legs (short cut) with a unit weight of no less than 12 kg and with adequate fat cover to be obtained and used.

The hind legs should be delivered to the processing plant within 96 hours of slaughter.

3.4. *Feed (for products of animal origin only):*

The specification for the genetic type used and the end-use of the raw material obtained from the carcasses of heavyweight pigs needed for the production of 'Prosciutto di Carpegna' includes methods of rearing and feeding animals stemming from ancient Italian tradition, which developed practices designed to achieve moderate growth over an extended period of time as well as a high unit weight, obtained by coordinating genetic selection objectives, the minimum age and average weight of the pigs at slaughter with an appropriate feeding regime.

In this context, according to the terms of the rules, the foodstuffs permitted, the quantities thereof and the means of administering them are differentiated according to the phase of rearing, depending on the age and weight of the animals.

The requirements for feedingstuffs in the first phase (up to 80 kg weight) are: grain accounting for a minimum 45 % of the dry matter, good-quality meat-and-bone meal as permitted under Community rules (up to 2 % of the dry matter), fish-meal (up to 2 % of the dry matter), buttermilk (up to a maximum 6 litres per animal per day), lipids with a melting-point above 36 °C (up to 2 % of the dry matter), lysate protein (up to 1 % of the dry matter), corn silage (up to 10 % of the dry matter).

The feedingstuffs permitted in the second phase (fattening) are: grain accounting for a minimum 55 % of the dry matter, dehydrated potato (up to 15 % of the dry matter), manioc (up to 5 % of the dry matter), compressed beet pulp silage (up to 15 % of the dry matter), linseed cake (up to 2 % of the dry matter), dried beet pulp (up to 4 % of the dry matter), apple and pear residue, grape and tomato skin used as bulk for supplements (up to 2 % of the dry matter), whey, buttermilk, dehydrated alfalfa meal, molasses (up to 5 % of the dry matter), soya, sunflower or sesame extract meal (from 3 % to 15 % of the dry matter), coconut, maize germ, field pea and/or other legume seeds (up to 5 % of the dry matter), brewer's yeast and/or torula yeast, lipids with a melting-point above 40 °C (up to 2 % of the dry matter).

The grain-based fodder is presented, preferably, in liquid form (swill or mash), traditionally mixed with whey. To ensure the food product has a good quality fat cover, the addition of linoleic acid up to a maximum of 2 % of the dry matter in the fodder is permitted. Whey and buttermilk, by-products respectively of the processing of curds and butter, together should not exceed 15 litres per animal per day. In combination with stillage, the total nitrogen content must be less than 2 %. Lastly, dehydrated potato and manioc, together, should not exceed 15 % of the dry matter. Measures to implement the specifications have been laid down by the official control system.

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

The processing and maturing of 'Prosciutto di Carpegna' PDO must take place within the census district and administrative territory of the municipality of Carpegna (Pesaro-Urbino Province, Marche Region).

3.6. *Specific rules concerning slicing, grating, packaging, etc.:*

'Prosciutto di Carpegna' is sold whole, on the bone, boned, or sliced and packaged. When boned, it can traditionally be prepared either 'pressato' (pressed) or 'all'addobbo' (trimmed) by completely removing the coating and the superfluous outer fat (the distinction relates to the final presentation of the boned ham, which may be packaged under vacuum following mechanical pressing of the surface or following

tying of the meat, which is generally rolled). If pre-sliced it may then be packaged either under vacuum or in a modified atmosphere; in such cases, the ham has to have been matured for at least 14 months.

Portioning, slicing and packaging and operations associated with awarding PDO status to the matured ham may be carried out anywhere, provided that they do not have an impact on the chemico-physical and organoleptic characteristics of the protected product and enable the product to be identified unambiguously and traced.

3.7. *Specific rules concerning labelling:*

'Prosciutto di Carpegna' is marketed branded with the identifying mark featuring the words 'Prosciutto di Carpegna'.

The words 'Prosciutto di Carpegna' must appear in clear, indelible characters, quite distinct from all other indications, and be followed immediately, in printed characters of the same size, by the words 'Denominazione di Origine Protetta' (protected designation of origin).

These indications accompany the logo of the designation. No description which is not explicitly permitted may be added.

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

'Prosciutto di Carpegna' must be processed in the traditional production area, within the census district and administrative territory of the municipality of Carpegna, in Pesaro-Urbino Province, Marche Region, using raw materials obtained from pigs born, reared and slaughtered within the territory of the regions of Marche, Emilia-Romagna and Lombardy. The conditions laid down in Article 2(3) of Council Regulation (EC) No 510/2006 apply.

5. **Link with the geographical area:**

5.1. *Specificity of the geographical area:*

The 'Prosciutto di Carpegna' production area lies in the Marche region, in Pesaro-Urbino province, in the municipality of Carpegna, which has the following cartographic coordinates and geographical characteristics:

- coordinates: 43°47' N 12°20' E,
- area: 28,3 km²,
- altitude (above sea level): 748 metres,
- maximum altitude: 1 415 metres,
- altitude range: 1 015 metres,
- number of inhabitants (as at 21.12.2007): 1 657.

Located at the northernmost edge of central Italy, the territory of Carpegna lies within the Sasso Simone e Simoncello nature reserve, on the southern side of the mountain at a distance of 50 km from the Adriatic Sea, not far from San Marino. Amid the green beeches characteristic of the local flora, its location in relation to the Apennine foothills affords protection against the cold tramontana and bora winds, thus determining the constant characteristics of the local microclimate which is characterised by the relative proximity of the sea, the altitude, moderate winds, the lack of standing watercourses in naturally-draining geomorphological areas and, hence, in a particularly well-balanced area marked by mild, dry summer conditions which established it, long ago, as a prime health resort.

5.2. *Specificity of the product:*

In addition to the conformity requirements for the raw material and the processing and final grading of the matured product, the following characteristics specific to the product should be mentioned:

- the use of hind legs from pigs that are not less than 10 months old means that mature meat is used which is more appropriate for long maturing,
- the use of manual techniques to pound, dress and coat the ham ready for the maturing phase,
- the ban on the use of chemical additives of any kind at any phase of the preparation (except for the use of sodium chloride for salting at the start of the process),

- the use of dry ground sea salt (sodium chloride) for salting the fresh hind legs,
- the use of fresh hind legs, chilled but not frozen, sized appropriately to the minimum age of the pig,
- delivery of the hind legs to the processing plant within 96 hours of slaughter,
- the duration of the whole process, which dictates that maturing is not complete until 13 months have elapsed since the start of processing,
- the prosciutto's limited salt content, as certified in the required check reports for chemical parameters to be tested at the end of the maturing process, which sets the prosciutto apart as an original and specific product distinct from other similar products made in central Italy.

5.3. *Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI):*

The geographical and environmental attributes of the Carpegna district, at the heart of the Montefeltro region and the nature reserve, provide an inimitable combination of microclimatic factors favourable to the maturing of meat, as recognised and used by humans since time immemorial. The association of the local area with pigmeat processing is documented as far back as the Italian Renaissance, when, after Malatesta Novello, Lord of Cesena, sold the Cervia salt flats to the Venetian Republic (1468), it was explicitly stated that the county of Carpegna retained the right to make free use of the salt. Carpegna is subject to light but constant winds as a result of the breeze from the Adriatic Sea — blocked at altitude, but protected by the barrier formed by the initial Apennine foothills — which carry the essences of the specific Mediterranean mountain microflora of the area, mixing beech, hornbeam, holly with fleur-de-lis, anemone and many orchid species conserved and maintained for centuries by the nature reserve.

These factors have also influenced the regulation of enzyme activity in the meat tissue, which proceeds in due fashion despite the presence of a low salt content, through maturing favoured by lengthy exposure to the natural conditions of the location (*stagionatura*), which has a direct impact on the consistency and organoleptic properties of the prosciutto.

The need for appropriate raw material capable of long natural maturation without excessive use of salt or flavouring substances has, over time, perpetuated the tradition of Italian heavyweight pig rearing, which gradually spread out from the original main area of development in Central Italy as far as the Po Valley plains in the course of centuries of animal movements, which were halted in recent times, after the major foot-and-mouth epidemics.

Reference to publication of the specification:

This administration has launched the national objection procedure for the proposal to amend the 'Prosciutto di Carpegna' protected designation of origin (PDO) already registered in line with Regulation (EEC) No 2081/92 after publication in Official Gazette of the Republic of Italy No 86 of 12 April 2006.

The full text of the product specification is available:

- on the following website:

http://www.politicheagricole.it/DocumentiPubblicazioni/Search_Documenti_Elenco.htm?txtTipoDocumento=Disciplinare%20in%20esame%20UE&txtDocArgomento=Prodotti%20di%20Qualit%E0>Prodotti%20Dop,%20Igp%20e%20Stg

or:

- by going directly to the home page of the Italian Agriculture Ministry (<http://www.politicheagricole.it>) and clicking on 'Prodotti di Qualità' (on the left of the screen) and then on 'Disciplinari di Produzione all'esame dell'UE [regolamento (CE) n. 510/2006]'.

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

(2009/C 189/11)

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

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

'YORKSHIRE FORCED RHUBARB'

EC No: UK-PDO-0005-0633-19.07.2007

PGI () PDO (X)

1. Name:

'Yorkshire Forced Rhubarb'

2. Member State or third country:

United Kingdom

3. Description of the agricultural product or foodstuff:

3.1. Type of product:

Class 1.6: Fruit, vegetables and cereals fresh processed

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

The tall slender sticks of the rhubarb, known as petiole sticks, range pink to red in colour with a compact yellow leaf (the leaves are usually removed for supermarkets). The intense colour, which varies from salmon pink to blood red, is dependent upon variety; rate of growth, temperature used and water take up. They have a white butt at the base where the stalks were attached to the root system. The inside of the stalks are white and fleshy. The taste is sharp, and slightly acidic, with a delicate flavour. The microbiological, chemical qualities of the indoor rhubarb contain oxalic acid, calcium in the form of calcium oxalate, potassium, and plant oestrogen. Yorkshire Forced rhubarb's colour is enhanced by the technical process and absence of light resulting in a gossamer skin with a white inside flesh. When cooked, Yorkshire Forced rhubarb is very tender, and the flavour is more delicate and less acidic than its counterparts, due to differing production techniques and traditional local organic feeds including shoddy, which is specific to the area.

The Yorkshire Forced Rhubarb growers do not allow light to interact with the plant whilst in the forcing sheds as photosynthesis will occur which thickens and toughens fibres and results in a more acidic flavour.

The growers harvest by candlelight wherever possible to minimise this risk, Forcing too quickly also results in loss of flavour, so 6-9 weeks steadier growth to first harvest is preferred, in the Triangle.

The Forcing Varieties that are currently used in the Triangle are:

Timerley Early

Stockbridge Harbinger

Reeds Early Superb/Fenton's Special (regarded as the same)

Prince Albert

Stockbridge Arrow

Queen Victoria

This list is not exhaustive and other varieties may be used in the future.

3.3. *Raw materials:*

N/A

3.4. *Feed (for products of animal origin only):*

N/A

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

All steps in the production of Yorkshire Forced Rhubarb takes place within the area defined in point 4. This includes the propagation of roots. Harvesting takes place by candlelight to minimise the risk of photosynthesis which affects the texture and flavour of the rhubarb.

3.6. *Specific rules concerning slicing, grating, packaging, etc.:*

—

3.7. *Specific rules concerning labelling:*

There are no specific restrictions concerning packaging. Existing food labelling regulations and retailers' requirements are taken into account. The name 'Yorkshire Forced Rhubarb' is used.

4. Concise definition of the geographical area:

The geographical area of production connects the boundaries of Leeds, Wakefield and Bradford and is nestled at the side of the Pennines. The area forms a triangular shape and has been historically termed as 'The Rhubarb Triangle'. The exact geographical area goes from Ackworth Moor Top north along the A628 to Featherstone and Pontefract. Then on to the A656 through Castleford. It then goes west along the A63 past Garforth and West Garforth. Head north passing Whitkirk, Manston and on towards the A6120 by Scholes. Follow the A6120 west, round to pass Farsley which then leads south west via the A647 onto the A6177. Pass Dudley Hill to pick up the M606 south. At junction 26 take the M62 South to junction 25 head east along A644 toward Dewsbury, passing Mirfield, to pick up the A638 towards Wakefield. At Wakefield take the A638 south to Ackworth Moor top.

5. Link with the geographical area:

5.1. *Specificity of the geographical area:*

The Yorkshire producers were centralised on the suitable soils between Leeds, Wakefield and Bradford, which became known as 'The Rhubarb Triangle'. The position of the Rhubarb Triangle situated within the shadows of the Pennines acts as a frost pocket. This geographical location has proved invaluable to the growers, as it provides the perfect weather conditions essential to the plant.

High rainfall and early and extended dormant periods in root growth is necessary for early breaking of dormancy without loss of quality or yield. The soil must be carefully prepared to a depth great enough to allow the extensive roots to grow. Good moisture levels are important, but too much can cause the root to rot. Moisture retaining soils are beneficial for two reasons: firstly at plant establishment to aid growth and secondly to retain low temperature levels necessary both for the natural requirement of the plant and stored energy conversion. This is crucial for the quality of a forced petiole. Insufficient dormant period while the root lives outside in preparation for its forcing purpose, results in low yields, poor quality and flavour and returns not covering production costs.

Heavy industry in the area resulted in an atmosphere that helped induce early die back in autumn. Soot and ash were extensively spread onto the soil obtained from local industry, and the high local population's chimneys resulting in sulphur deposits in the soil much to rhubarb's liking.

As the producers in Yorkshire consistently had the crop ready much earlier than elsewhere in the country, eventually growers in other parts of the country ceased production all together as they could not compete with the Yorkshire producers who had such beneficial conditions, and developed growing skills which ultimately resulted in the petioles that the Yorkshire Forced rhubarb growers became renowned for.

This name Yorkshire Forced Rhubarb has been used by producers generally when marketing the product onto wholesale markets since 1877. At that time this was the usual outlet for the fresh product throughout the country.

5.2. *Specificity of the product:*

The tall slender sticks of the rhubarb, known as petiole sticks, range pink to red in colour with a compact yellow leaf. The intense colour varies from salmon pink to blood red and is dependent upon variety. They have a white butt at the base where the stalks were attached to the root system. The inside of the stalks are white and fleshy. The microbiological, chemical qualities of Forced Rhubarb contain oxalic acid, calcium in the form of calcium oxalate and plant oestrogen. Forced Rhubarb's colour is enhanced by the technical process which also results in a gossamer skin with white inside flesh. When cooked, Forced Rhubarb is very tender and the flavour is delicate and slightly acidic. The flavour is due to production techniques and traditional local natural feeds including shoddy, which is specific to the area.

New forcing roots are obtained from propagating or splitting from our own reserves, the resulting new plants are called 'rhubarb sets'. Root stock has been handed down within families for generations or purchased from other growers. The only way to get new stock is from roots that have been split from a parent plant, as growing rhubarb from seed although possible, cannot give a guaranteed pure untainted strain due to cross pollination. Only by splitting the roots from current stock can the purity of strain be ensured but requires significant experience to select out deviations from strains or diseased plants. The root stock itself is split into the respective varieties which are kept in separate fields.

Roots purchased outside the Rhubarb Triangle must have been grown within the Triangle for a minimum 2-3 preparative year prior to forcing, so that the root has the benefit of the specific soil and climatic conditions so beneficial to root development. The roots are taken from the field, and are loaded carefully by hand onto trailers for shipment from field to forcing shed, each driver recording his loads and field of source that the roots have come from that day.

5.3. *Causal link between the geographical area and a specific quality, the reputation or other characteristic of the product:*

From an accidental discovery in Chelsea London in 1817, the early basic technique of growing rhubarb out of season began, initially by warming the root by covering with organic manure whilst still in the ground. In 1877 it came to Yorkshire. This was the first place in the world that special sheds were built for the purpose of forcing, and the technique as still used today was devised by the local Yorkshire growers. The soil in the area proved perfect for growth of the substantial root systems necessary to produce sufficient yields to cover the high costs of production. In the late 1800s rhubarb's popularity grew so high there were over 200 dedicated producers alone in the Triangle.

The early basic technique of growing rhubarb out of season in special sheds was first developed by the Yorkshire growers. The soil in the area proved perfect for growth of the substantial root systems necessary to produce sufficient yields. In the late 1800s rhubarb's popularity grew so high there were over 200 dedicated producers throughout Britain. Currently the producers are based in Leeds, Wakefield and Bradford, which has become known as the Rhubarb Triangle.

The Yorkshire soil encourages the growth of huge and strong root systems with large main buds. Water is applied directly from the mains throughout the indoor growing period. The varieties grown and bred specifically for and by soils in this geographic location provide, with the help of all the contributing factors; the quality, flavour and colour that is traditionally grown Yorkshire Forced Rhubarb. The soil and climate in the area are right for growth of the substantial root systems necessary for this out of season use.

Reference to publication of the specification:

<http://defraweb/foodrin/foodname/pfn/products/index.htm>

Notice for the attention of Mr Abd Al-Rahman Al-Faqih concerning his inclusion in the list referred to in Articles 2, 3 and 7 of Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

(2009/C 189/12)

1. Common Position 2002/402/CFSP⁽¹⁾ calls upon the Community to freeze the funds and economic resources of Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list drawn up pursuant to UNSCR 1267(1999) and 1333(2000) to be updated regularly by the UN Committee established pursuant to UNSCR 1267(1999).

The list drawn up by this UN Committee comprises:

- Al-Qaida, the Taliban and Usama bin Laden;
- natural or legal persons, entities, bodies and groups associated with Al-Qaida, the Taliban and Usama bin Laden; and
- legal persons, entities and bodies owned or controlled by, or otherwise supporting, any of these associated persons, entities, bodies and groups.

Acts or activities indicating that an individual, group, undertaking, or entity is 'associated with' Al-Qaida, Usama bin Laden or the Taliban include:

- (a) participating in the financing, planning, facilitating, preparing, or perpetrating acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, Al-Qaida, the Taliban or Usama bin Laden, or any cell, affiliate, splinter group or derivative thereof;
- (b) supplying, selling or transferring arms and related materiel to any of them;
- (c) recruiting for any of them; or
- (d) otherwise supporting acts or activities of any of them.

2. The UN Committee decided on 7 February 2006 to add Mr Abd Al-Rahman Al-Faqih to the relevant list.

The natural person concerned may submit at any time a request to the UN Committee, together with any supporting documentation, for the decision to include him in the UN list referred to above, to be reconsidered. Such request should be sent to the following address:

United Nations — Focal point for delisting
Security Council Subsidiary Organs Branch
Room S-3055 E
New York, NY 10017
UNITED STATES OF AMERICA

See for more information at: <http://www.un.org/sc/committees/1267/delisting.shtml>

3. Further to this decision the Commission⁽²⁾ has included Mr Abd Al-Rahman Al-Faqih in Annex I to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban⁽³⁾.

⁽¹⁾ OJ L 139, 29.5.2002, p. 4. Common Position as last amended by Common Position 2003/140/CFSP (OJ L 53, 28.2.2003, p. 62).

⁽²⁾ Regulation (EC) No 246/2006 (OJ L 40, 11.2.2006, p. 13).

⁽³⁾ OJ L 139, 29.5.2002, p. 9.

The following measures of Regulation (EC) No 881/2002 apply to the natural and legal persons, groups and entities concerned:

- (a) The freezing of all funds, other financial assets and economic resources belonging to them, or owned or held by them, and the prohibition to make funds, other financial assets and economic resources available to them or for their benefit, whether directly or indirectly (Articles 2 and 2a ⁽¹⁾); and
- (b) The prohibition to grant, sell, supply or transfer technical advice, assistance or training related to military activities to them, whether directly or indirectly (Article 3).

4. Following the judgment of the Court of Justice of 3 September 2008 in Joined Cases C-402/05 P and C-415/05 P, Yassin Abdullah Kadi and Al Barakaat International Foundation v. Council, the UN Committee has provided grounds for listing of Mr Abd Al-Rahman Al-Faqih.

He may make a request for the grounds for his listing to the Commission. This request should be sent to:

European Commission
'Restrictive measures'
Rue de la Loi/Wetstraat 200
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

After having given him an opportunity to express his views on the grounds for listing, the Commission will review his inclusion in Annex I to Council Regulation (EC) No 881/2002 and a new decision concerning him will be made.

5. Personal data provided by Mr Abd Al-Rahman Al-Faqih will be handled in accordance with the rules of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾. Any request, e.g. for further information or in order to exercise the rights under Regulation (EC) No 45/2001 (e.g. access or rectification of personal data), should be sent to the Commission at the address mentioned under point 4 above.

6. For good order, the attention of the natural persons listed in Annex I is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s), as listed in Annex II to Regulation (EC) No 881/2002, in order to obtain an authorisation to use frozen funds, other financial assets and economic resources for essential needs or specific payments in accordance with Article 2a of that Regulation.

⁽¹⁾ Article 2a was inserted by Council Regulation (EC) No 561/2003 (OJ L 82, 29.3.2003, p. 1).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

CORRIGENDA

Corrigendum to the 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

(Official Journal of the European Union C 185 of 7 August 2009)

(2009/C 189/13)

On page 13, under '2. **Group**':

for: 'Address: Viale Europa
LT-04029 Sperlonga
LIETUVA/LITHUANIA

Tel. +370 771556388
Fax +370 771556388'

read: 'Address: Viale Europa
04029 Sperlonga LT
ITALIA

Tel. +39 0771556388
Fax +39 0771556388'

OTHER ACTS

Commission

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