Official Journal of the European Union

C 94



English edition

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Volume 53 14 April 2010

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2010/C 94/11

I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN COMMISSION

COMMISSION OPINION

of 13 April 2010

relating to the plan for the disposal of radioactive waste arising from Quotient Bioresearch (Radiochemicals) Ltd at Trident Park in Cardiff in the United Kingdom, in accordance with Article 37 of the Euratom Treaty

(Only the English text is authentic)

(2010/C 94/01)

On 13 November 2009, the European Commission received from the British Government, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan for the disposal of radioactive waste arising from Quotient Bioresearch (Radiochemicals) Ltd.

On the basis of these data and additional information requested by the Commission on 30 November 2009 and provided by the British authorities on 4 January 2010, and following consultation with the Group of Experts, the Commission has drawn up the following opinion:

- 1. The distances between the facility and the nearest point of another Member State are 210 km for France and 230 km for Ireland.
- 2. Under normal operating conditions, the discharges of gaseous and liquid radioactive effluents will not cause an exposure liable to affect the health of the population in another Member State.
- Solid radioactive waste will be temporarily stored on site before being transferred to authorised treatment or storage facilities within the United Kingdom.
- 4. In the event of unplanned releases of radioactive effluents which may follow an accident of the type and magnitude considered in the General Data, the doses received in another Member State will not be liable to affect the health of the population.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form from Quotient Bioresearch (Radiochemicals) Ltd, located at Trident Park in Cardiff, both in normal operation and in the event of an accident of the type and magnitude considered in the General Data, is not liable to result in radioactive contamination of the water, soil or airspace of another Member State.

Done at Brussels, 13 April 2010.

For the Commission
Günther OETTINGER
Member of the Commission

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Authorisation for State aid pursuant to Articles 107 and 108 TFEU Cases where the Commission raises no objections

(Text with EEA relevance)

(2010/C 94/02)

Date of adoption of the decision	27.1.2010
Reference number of State Aid	N 587/09
Member State	Spain
Region	_
Title (and/or name of the beneficiary)	Sistema de Ayudas a la actividad cinematográfica y audiovisual en España.
Legal basis	Ley 55/2007 de 28 de diciembre, del Cine/Real Decreto 2062/08 de 12 de diciembre que la desarrolla/Orden por la que se dictan normas de aplicación del Real Decreto 2062/08
Type of measure	Aid scheme
Objective	Culture
Form of aid	Direct grant, Interest subsidy
Budget	Annual budget: EUR 90 million Overall budget: EUR 576 million
Intensity	60 %
Duration (period)	1.1.2010-31.12.2015
Economic sectors	Recreational, cultural sporting activities
Name and address of the granting authority	Director General del Instituto de la Cinematografia y de las Artes Audiovisuales — Instituto de la Cinematografia y de las Artes Audiovisuales Plaza del Rey, 1 28071 Madrid ESPAÑA
Other information	_

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

24.2.2010
N 666/09
France
_
Aides à la télévision numérique dans les régions sans simulcast
Le decret portant modification au decret n° 2007-957 du 15 mai 2007 relatif au fonds d'accompagnement du numérique
Aid scheme
Sectoral development
Direct grant
Overall budget: EUR 30 million
_
1.1.2010-31.12.2013
Media
Fonds d'accompagnement du numérique
_

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

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

Date of adoption of the decision	10.3.2010
Reference number of State Aid	NN 4/10
Member State	Denmark
Region	_
Title (and/or name of the beneficiary)	Denmark — State financing of long-term export loans
Legal basis	Danish Act on Eksport Kredit Fonden
Type of measure	Aid scheme
Objective	Aid to remedy serious disturbances in the economy, Export credits
Form of aid	Ad hoc contracts

Budget	Overall budget: DKK 20 000 million
Intensity	Measure does not constitute aid
Duration (period)	17.3.2009-31.12.2011
Economic sectors	All sectors
Name and address of the granting authority	Det danske kongerige
Other information	_

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

Date of adoption of the decision	10.3.2010
Reference number of State Aid	N 46/10
Member State	Lithuania
Region	_
Title (and/or name of the beneficiary)	Amendment to the Temporary Framework measure 'Limited amounts of compatible aid' (N 272/09)
Legal basis	Government Resolution on the approval of the Regulations for the provision of credit guarantees to credit institutions for credits taken by large enterprises, Regulations for the provision of credit guarantees to credit institutions for credits taken by micro, small, medium and large enterprises, adopted by the Lithuanian Government Resolution No 569 in 2009 10 June (Official Gazette, 2009, No 72-2926).
Type of measure	Aid scheme
Objective	Aid to remedy serious disturbances in the economy
Form of aid	Guarantee
Budget	Overall budget: LTL 150 million
Intensity	_
Duration (period)	Until 31.12.2010
Economic sectors	All sectors
Name and address of the granting authority	Lietuvos Respublikos ūkio ministerija Gedimino pr. 38/2 LT-01104 Vilnius LIETUVA/LITHUANIA
Other information	_
	1

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

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

Date of adoption of the decision	9.3.2010
Reference number of State Aid	N 48/10
Member State	Germany
Region	_
Title (and/or name of the beneficiary)	Verlängerung der Regelung zur Verbesserung der Refinanzierungsmög- lichkeit bei Exportkrediten
Legal basis	KfW-Gesetz, § 2 Abs. 4
Type of measure	Aid scheme
Objective	Aid to remedy serious disturbances in the economy
Form of aid	Guarantee
Budget	
Intensity	_
Duration (period)	15.3.2010-31.12.2010
Economic sectors	Financial intermediation
Name and address of the granting authority	KfW, Frankfurt am Main, Germany
Other information	_

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

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

(Text with EEA relevance)

(2010/C 94/03)

Date of adoption of the decision	13.7.2009
Reference number of State Aid	N 293/09
Member State	Poland
Region	Mazowieckie
Title (and/or name of the beneficiary)	Samsung Electronics Polska Sp. z o.o.
Legal basis	Uchwała Rady Ministrów w sprawie ustanowienia programu wielo- letniego pod nazwą "Wsparcie finansowe inwestycji realizowanej przez Samsung Electronics Polska Sp. z o.o. w Warszawie pod nazwą: Tele- komunikacyjne Centrum Badań i Rozwoju, w latach 2009–2011". Projekt umowy ramowej o udzielenie dotacji celowej pomiędzy Ministrem Gospodarki a SWS Samsung Electronics Polska Sp. z o.o. Artykuł 117 ustawy z dnia 30 czerwca 2005 r. o finansach publicznych. (Dz. U. z 2005 r., Nr 249 poz. 2104)
Type of measure	Individual aid
Objective	Regional development, Employment
Form of aid	Direct grant
Budget	Overall budget: PLN 3,74 million
Intensity	8,8 %
Duration (period)	Until 31.12.2011
Economic sectors	Computer and related activities
Name and address of the granting authority	Minister Gospodarki Plac Trzech Krzyży 3/5 00-507 Warszawa POLSKA/POLAND
Other information	_

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

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

Authorisation for State aid pursuant to Articles 107 and 108 TFEU Cases where the Commission raises no objections

(Text with EEA relevance)

(2010/C 94/04)

Date of adoption of the decision	18.12.2009
Reference number of State Aid	N 592/09
Member State	Germany
Region	Nordrhein-Westfalen
Title (and/or name of the beneficiary)	Staatliche Beihilfe für den Steinkohlenbergbau 2010
Legal basis	Gesetz zur Finanzierung der Beendigung des subventionierten Steinkohlenbergbaus zum Jahr 2018 (Steinkohlefinanzierungsgesetz) vom 20. Dezember 2007 Rahmenvereinbarung "Sozialverträgliche Beendigung des subventionierten Steinkohlenbergbaus in Deutschland" vom 14. August 2007 Kohlerichtlinien des Bundesministeriums für Wirtschaft und Technologie vom 28. Dezember 2007
Type of measure	Individual aid
Objective	Sectoral development, Regional development, Employment
Form of aid	Direct grant
Budget	Overall budget: EUR 2 018 million
Intensity	_
Duration (period)	1.1.2010-31.12.2010
Economic sectors	Coal
Name and address of the granting authority	Bundesamt für Wirtschaft und Ausfuhrkontrolle Frankfurter Str. 29—35 65760 Eschborn DEUTSCHLAND
Other information	_
	1

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

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

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

(Text with EEA relevance)

(2010/C 94/05)

Date of adoption of the decision	23.1.2009
Reference number of State Aid	N 577/08
Member State	Spain
Region	Madrid
Title (and/or name of the beneficiary)	Ayudas para producciones teatrales, musicales y de danza
Legal basis	Ley 2/95 de 8 de marzo — Subvenciones de la Comunidad de Madrid; Ley 38/2003 de 17 de noviembre — General de subvenciones; proyecto de Orden de la Consejería de Cultura y Turismo por la que se convocan ayudas a la producción coreográfica para el año 2009 y 2010; proyecto de Orden de la Consejería de Cultura y Turismo, por la que se convocan ayudas a la actividad teatral para los años 2009 y 2010; proyecto de Orden de la Consejería de Cultura y Turismo, por la que se convocan ayudas a la producción musical para el año 2009 y 2010
Type of measure	Aid scheme
Objective	Culture
Form of aid	Direct grant
Budget	Annual budget: EUR 4 257 500 million Overall budget: EUR 8 515 000 million
Intensity	100 %
Duration (period)	25.11.2008-25.11.2010
Economic sectors	Recreational, cultural sporting activities
Name and address of the granting authority	Comunidad de Madrid Consejería de Cultura y Turismo C/ Alcalá, 31 28014 Madrid ESPAÑA
Other information	_

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

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

Authorisation for State aid pursuant to Articles 107 and 108 TFEU Cases where the Commission raises no objections

(Text with EEA relevance)

(2010/C 94/06)

Date of adoption of the decision	9.3.2010
Reference number of State Aid	N 450/09
Member State	Germany
Region	Frankfurt/Oder
Title (and/or name of the beneficiary)	Top Gas Recycling (TGR) Project — Aid to ArcelorMittal Eisenhüttenstadt GmbH
Legal basis	Richtlinie zur Förderung von Inv. mit Demonstrationscharakter zur Verminderung von Umweltbelastungen vom 4.2.1997
Type of measure	Individual aid
Objective	Environmental protection
Form of aid	Direct grant
Budget	Overall budget: EUR 30,18 million
Intensity	55 %
Duration (period)	1.10.2009-1.4.2012
Economic sectors	Manufacturing industry
Name and address of the granting authority	LaKfW Bankengruppe Niederlassung Bonn Gewerbliche Umweltschutzfinanzierung — MB e 1 53170 Bonn 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/state_aids_texts_en.htm

Date of adoption of the decision	24.2.2010
Reference number of State Aid	N 495/09
Member State	Latvia
Region	
Title (and/or name of the beneficiary)	Elektrisko un elektronisko atkritumu šķirošanas un pārstrādes iekārta Tumē ("BAO" Joint Stock Company)

Legal basis	11.2.2008. MK noteikumi Nr. 94 "Eiropas Ekonomikas zonas finanšu instrumenta un Norvēģijas valdības divpusējā finanšu instrumenta prioritātes "Ilgtspējīga attīstība" otrā individuālo projektu iesniegumu atklāta konkursa nolikums"
Type of measure	Individual aid
Objective	Regional development
Form of aid	Direct grant
Budget	Overall budget: EUR 0,2 million
Intensity	48,94 %
Duration (period)	2010-2011
Economic sectors	Service activities
Name and address of the granting authority	Financial Mechanism Office, 12/16 Rue Joseph II 1000 Bruxelles/Brussel BELGIQUE/BELGIË Latvijas Republikas Finanšu ministrija Finanšu instrumentu koordinācijas departaments Smilšu iela 1 Rīga, LV-1919 LATVIJA
Other information	_

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

Date of adoption of the decision	26.2.2010
Reference number of State Aid	N 725/09
Member State	Ireland
Region	
Title (and/or name of the beneficiary)	Establishment of a National Asset Management Agency (NAMA)
Legal basis	National Asset Management Agency Act 2009
Type of measure	Aid scheme
Objective	Aid to remedy serious disturbances in the economy
Form of aid	Other forms of equity intervention
Budget	Overall budget: EUR 54 000 million
Intensity	
Duration (period)	26.2.2010-26.2.2011
	

Economic sectors	Financial intermediation
Name and address of the granting authority	Dept of Finance Government buildings Merrion Street Dublin 2 IRELAND
Other information	_

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

Non-opposition to a notified concentration (Case COMP/M.5800 — Bridgepoint/Care UK)

(Text with EEA relevance)

(2010/C 94/07)

On 7 April 2010, 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:

- in the merger section of the Competition website of the Commission (http://ec.europa.eu/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 (http://eur-lex.europa.eu/en/index.htm) under document number 32010M5800. EUR-Lex is the on-line access to the European law.

Non-opposition to a notified concentration

(Case COMP/M.5795 — Siemens/Sinara Locomotives/JV)

(Text with EEA relevance)

(2010/C 94/08)

On 6 April 2010, 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:

- in the merger section of the Competition website of the Commission (http://ec.europa.eu/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 (http://eur-lex.europa.eu/en/index.htm) under document number 32010M5795. EUR-Lex is the on-line access to the European law.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates (¹) 13 April 2010

(2010/C 94/09)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,3583	AUD	Australian dollar	1,4646
JPY	Japanese yen	126,34	CAD	Canadian dollar	1,3630
DKK	Danish krone	7,4435	HKD	Hong Kong dollar	10,5414
GBP	Pound sterling	0,88120	NZD	New Zealand dollar	1,9060
SEK	Swedish krona	9,7575	SGD	Singapore dollar	1,8916
CHF	Swiss franc	1,4370	KRW	South Korean won	1 526,88
ISK	Iceland króna		ZAR	South African rand	9,8983
NOK	Norwegian krone	7,9940	CNY	Chinese yuan renminbi	9,2712
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,2590
CZK	Czech koruna	25,155	IDR	Indonesian rupiah	12 269,52
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	4,3775
HUF	Hungarian forint	264,58	PHP	Philippine peso	60,686
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	39,5025
LVL	Latvian lats	0,7066	THB	Thai baht	43,948
PLN	Polish zloty	3,8828	BRL	Brazilian real	2,3845
RON	Romanian leu	4,1390	MXN	Mexican peso	16,5590
TRY	Turkish lira	2,0217	INR	Indian rupee	60,5100

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

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

(2010/C 94/10)

Aid No: XA 285/09

Member State: France

Region: Auvergne

Title of aid scheme or name of company receiving an individual aid: Assistance technique dans le cadre de la reprise des exploitations (région Auvergne)

Legal basis:

Délibération du Conseil régional n^0 09 — 21 89 des 22 et 23 juin 2009.

Articles L1511-2, L3231-2 et 3232-1 du Code général des collectivités territoriales

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

EUR 500 000

Subject to adoption of annual budget allocations

Maximum aid intensity:

40 %

The support includes:

— carrying out diagnoses and providing advice to determine the nature of a project prior to setting up. This will provide an overview of the project's economic criteria, its environmental credentials and its feasibility in terms of work organisation, links to the local community, operating autonomy and chances of success.

The aid will be $40\,\%$ of expenditure, subject to a ceiling of EUR 800.

 annual monitoring, for a period of three years, of technical, legal, financial or economic aspects. The aid in this case will be 25 % of expenditure, subject to a ceiling of EUR 450. These services will be provided by the structures to which the public aid will be paid. The project implementers will therefore receive aid only in kind.

Date of implementation: From 1 January 2010, subject to receipt of the acknowledgement of receipt showing the identification number of the measure and publication of the summary of the measure on the Commission website.

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

Objective of aid:

Aid in the form of technical support will be granted in accordance with Article 15 of Regulation (EC) No 1857/2006 and will enable the take-over of holdings in the region to be assisted and encouraged by giving all interested persons the right support and advice for their project.

With this regional aid, those taking over holdings will have access to expert, quality advice and a range of support measures to help them to develop, structure and calculate the figures for their project, followed by monitoring for three years after setting up so as to provide the best chances of success for themselves and the local community.

Sector(s) concerned: The entire agricultural sector (SMEs)

Name and address of the granting authority:

Monsieur le Président du Conseil régional Auvergne Direction de l'économie et de l'innovation Service Agriculture 13-15 avenue de Fontmaure B.P. 60 63402 Chamalières Cedex FRANCE

Website:

http://www.auvergne.org/public/upload/files/aides2010/agriculture/install-conseil.pdf

Other information: —

Aid No: XA 286/09

Member State: Lithuania

Region: —

Title of aid scheme or name of company receiving an individual aid: Techninės paramos teikimas žemės ūkio sektoriuje

Legal basis: Žemės ūkio šviečiamųjų renginių, žemės ūkio parodų, mugių, konkursų organizavimo finansavimo taisyklių projektas.

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: LTL 5 000 000 (EUR 1 448 100 at the official exchange rate)

Maximum aid intensity:

- 1. Up to 90 % of eligible expenditure on training for farmers (national and regional educational events, international educational events and publication of information material):
 - remuneration and social security contributions of lecturers, event organisers and compilers of information material, royalties and related fees,
 - communication (telephone, postal, internet) services,
 - transport,
 - payment of mission expenses,
 - rental of premises and equipment,
 - fitting-out of event venues,
 - translations,
 - compilation and/or acquisition of information and reference material,
 - compilation, layout and publication of information brochures (the print-run, distribution plan, number of printed pages and type of paper being specified),
 - dissemination of information (expenditure on issuing event-related material, publishing notifications and placing notices in the press and radio and television information slots),
 - organisational costs (goods and services) directly related to the training of persons engaged in farming.
- 2. Up to 90 % of eligible expenditure related to the organisation of international and national exhibitions, fairs, agricultural competitions and contests:
 - participation fees,
 - travel costs,
 - publication costs,
 - rent on exhibition premises,

 — symbolic prizes awarded in the framework of competitions, up to a value of LTL 863 per prize and winner.

Date of implementation:

The aid scheme will enter into force after the Commission has sent a notice of receipt, assigned an identification number to the scheme and published the summary information on the internet.

Preliminary date of entry into force: 28 December 2009

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

Objective of aid:

SMEs;

Technical support in the agricultural sector under Article 15 of Commission Regulation (EC) No 1857/2006.

Sector(s) concerned: Primary production of agricultural products

Name and address of the granting authority:

Lietuvos Respublikos žemės ūkio ministerija Gedimino pr. 19 (Lelevelio g. 6) LT-01103 Vilnius LIETUVA/LITHUANIA

Website:

http://www.zum.lt/lt/teisine-informacija/isakymai/5256

Other information:

Once it enters into force, this State aid scheme will replace the previous scheme, XA 148/07 — Technines paramos teikimas žemės ūkio sektoriuje (Technical support in the agricultural sector).

Under the implementing rules for this State aid scheme, *de minimis* aid is also granted in accordance with Regulations (EC) No 1998/2006 and (EC) No 875/2007 (to natural and legal persons engaged in the processing and marketing of agricultural products, the production, processing and marketing of fishery products and activities other than primary production of agricultural products).

Aid No: XA 308/09

Member State: Austria

Region: Austria

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

Sonderrichtlinie des Bundesministers für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft zur Förderung der Landwirtschaft aus nationalen Mittel

Punkt 1 Allgemeiner Teil

Punkt 4 — Verarbeitung, Vermarktung und Markterschließung

Legal basis: Landwirtschaftsgesetz 1992

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Expected annual expenditure EUR 3 500 000

Maximum aid intensity: Contribution to the allowable costs for operating and personnel expenses of up to 80 % for projects in accordance with points 4.2.1, -3 and -5 for predominantly agricultural primary products and agri-food production on the basis of Articles 14 and 15 of the Block Exemption Regulation for agriculture.

Date of implementation: 1 February 2010

Duration of scheme or individual aid award: From 1 February 2010 to 31 December 2013

Objective of aid:

Funding objectives

- To align the supply of agricultural products and food stuffs with market requirements
- To stimulate the demand for quality Austrian agri-food products
- To reinforce direct marketing

Subject of the funding

- Exhibitions, trade fairs and similar PR measures including questionnaires and market research in the agri-food industry
- Product awards and other promotional measures for agrifood products
- Quality control measures for production, processing, marketing

Sector(s) concerned: All agricultural sectors

Name and address of the granting authority:

Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft Stubenring 1 1012 Wien ÖSTERREICH

Website:

http://www.landnet.at/article/articleview/78527/1/5125/

Other information:

The aid is available to all eligible natural or legal persons (primary agricultural production businesses) in the area concerned, based on objectively defined criteria.

The scheme does not involve direct payments of money to producers.

The measures 'Processing, marketing and opening up markets' were notified on 23 December 2009 for aid to SMEs that are active outside the area of the primary production of agricultural products in accordance with Articles 15, 26 and 27 of Commission Regulation (EC) No 800/2008 with the identification number X 965/09.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration (Case COMP/M.5840 — Otto/Quelle Schweiz Assets)

(Text with EEA relevance)

(2010/C 94/11)

- 1. On 31 March 2010, 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 Unito Versandhandels GmbH (Unito, Austria), belonging to the Otto Group (Germany), acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of various assets of the undertaking Quelle Versand AG i.L. (in liquidation) (Switzerland) and its subsidiary Spengler Versand AG (Switzerland) (together 'Quelle Schweiz Assets', Switzerland). The Otto Group has recently acquired various assets (trademarks and trademark applications, a patent, domain names, copyrights and rights of use of client data) of the Primondo Group i.L. (Case COMP/M.5721 Otto/Primondo Assets).
- 2. The business activities of the undertakings concerned are:
- Otto Group: Trading and service company, which is internationally active in the retail (in particular home-shopping), financial services and services sector,
- Quelle Schweiz Assets: Trademarks and trademark applications, domain names, copyrights, product data and rights of use of client data of Quelle Versand AG i.L. and Spengler Versand AG, active in particular in the area of home-shopping in Switzerland.
- 3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope the EC Merger Regulation. 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), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5840 — Otto/Quelle Schweiz Assets, 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 (the 'EC Merger Regulation').

OTHER ACTS

EUROPEAN COMMISSION

Publication of an application for registration pursuant to Article 8(2) of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed

(2010/C 94/12)

This publication confers the right to object to the application pursuant to Article 9 of Council Regulation (EC) No 509/2006 (1). Statements of objection must reach the Commission within six months from the date of this publication.

TSG REGISTRATION APPLICATION

COUNCIL REGULATION (EC) No 509/2006 'ŠPEKÁČKY' OR 'ŠPEKAČKY'

EC No: SK-TSG-0007-0055-21.05.2007

1. Name and address of the applicant company:

Name: Český svaz zpracovatelů masa

Address: Libušská 319

142 00 Praha 4 – Písnice

ČESKÁ REPUBLIKA

Tel. +420 244092404 Fax +420 244092405 E-mail: reditel@cszm.cz

Name: Slovenský zväz spracovateľov mäsa

Address: Kukučínova 22

831 03 Bratislava SLOVENSKO/SLOVAKIA

Tel. +421 255565162 Fax +421 255565162 E-mail: slovmaso@slovmaso.sk

2. Member State or third country:

Czech Republic Slovak Republic

3. **Product specification:**

3.1. Name(s) to be registered:

'Špekáčky' (Czech)

'Špekačky' (Slovak)

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

3 2	Whether	the	name.

is specific in itself

x expresses the specific character of the agricultural product or foodstuff

The name Špekáčky/Špekačky expresses the specific character of the agricultural product or foodstuff, which derives from the unevenly distributed pieces of bacon (špek) in a coarse mixture with a smallish proportion of collagen particles.

3.3. Is reservation of the name sought under Article 13(2) of Regulation (EC) No 509/2006?:

registration with name reservation

x registration without name reservation

3.4. Type of product:

Class 1.2. Meat products (cooked, salted, smoked, etc.)

3.5. Description of the agricultural product or foodstuff to which the name under point 3.1 applies:

Špekáčky/Špekačky are a heat-processed meat product made from a continuous strand several metres long stuffed into casing made of pork small intestine or beef rounds, and are golden-brown in colour.

Physical properties

Continuous strand, divided off with string into individual segments weighing 65 to 85 g, about 4,0 to 4,6 cm in diameter and 8 to 9 cm in length.

Chemical properties

Net muscle protein content: min. 6 % by weight

Fat content: max. 45 % by weight

Salt content: max. 2,5 % by weight

Organoleptic properties

External appearance and colour: the product is made from a mixture of beef and pork meat in natural intestine casing divided off with string. The product is golden-brown in colour — a darker or lighter shade is permitted, without any marked smoke-mottling. On the surface of the product dried drops of juice and lighter areas at the contact points of the individual pieces are permitted. The surface is smooth or slightly wrinkled. Bulking out the product with fat or aspic is not permitted.

Appearance and colour in section: the slice section is pale to dark red, with unevenly distributed pieces of bacon. Small, soft collagen particles and air cavities are permitted.

Taste and aroma: mild when freshly smoked, moderately salty from the seasoning; juicy when cooked.

Consistency: firm, tender, compact.

3.6. Description of the production method for the agricultural product or foodstuff to which the name under 3.1 applies:

The ingredients of Špekáčky/Špekačky are as follows: beef with fat content of up to 30 %, pork meat with fat content of up to 50 %, bacon, drinking water (in the form of scaly ice), potato starch, nitrate salting mix, ground black pepper, sweet paprika (100 ASTA), garlic (in the form of flakes, concentrate or powder in amounts corresponding to the standard amount of fresh garlic), ground nutmeg, polyphosphates E450 and E451 (3 g/kg as P_2O_5), ascorbic acid E300 (0,5 g/kg), casing of beef rounds or pork small intestine; tied with string.

100 kg of Špekáčky/Špekačky as finished product contains:

— Beef with fat content of up to 30 %	38,5 kg
— Pork with fat content of up to 50 %	17,5 kg
— Bacon	27,0 kg
— Water (ice)	23,0 kg
— Potato starch	2,5 kg
— Nitrate salting mix	2,0 kg
— Ground sweet paprika (100 ASTA)	0,22 kg
— Ground black pepper	0,16 kg
— Garlic (flakes, concentrate, powder)	0,09 kg
— Ground nutmeg	0,03 kg
- Polyphosphates E450 and E451	0,3 kg
— Ascorbic acid E300	0,05 kg
— Casing: beef rounds or pork small intestine	

Those ingredients (apart from the bacon), additives and seasoning are used to produce a mixture with particles of between 0,1 mm and 2,5 mm. Bacon, chopped into pieces up to approximately 8 mm, is then added to the mixture, which is stuffed into beef rounds or pork small intestine casing with a maximum diameter of 4,0 to 4,6 cm.

The mixture is then divided off into individual segments with string. The strands of the product are tied to a smoking stick, then taken to a smokehouse, where they are dried and smoked in order to achieve their distinctive colour and smell. The smoked product is then heat-processed at 75 to 78 $^{\circ}$ C until the middle of the product reaches 70 $^{\circ}$ C for at least 10 minutes. After heat-processing, the product is sprayed with cold water and left to cool. The Špekáčky/Špekačky are then stored in a cool, dark room.

3.7. Specificity of the agricultural product or foodstuff:

Divided by tying with string

Špekáčky/Špekačky differ from other heat-processed meat products in the uneven distribution of the pieces of bacon (špek) in a coarse mixture with a smallish proportion of collagen particles, which gives rise to the distinctive appearance of the product when sliced. A further distinctive feature of the product is the continuous strand in the natural intestine casing, in which the individual Špekáčky/Špekačky are divided off with string. A further significant distinguishing feature is the balance of seasoning, which, along with the beef and bacon, gives rise to the inimitable flavour and smell of the product when heated.

3.8. Traditional character of the agricultural product or foodstuff:

In terms of their consumption, ingredients and production processes, Špekáčky/Špekačky have been known in what is now the Czech Republic for over 100 years. They began to be produced on a large scale in the second half of the 19th century, with the development of the smoked meats industry, and came to be regarded as a high-quality meat product in beef round casing. In 1891, they were exhibited

at an agricultural fair in Prague, where a fully equipped smokehouse — the like of which had never been on public display before — was set up. Špekáčky/Špekačky were smoked on site and, when still hot, served on an attractive paper plate with horseradish and a salty bread-roll for eight grajciars (Czech coin of that time). The emergence of Špekáčky/Špekačky as a classic Czech smoked-meat product can be traced back to that period. The exceptional quality of the Spekáčky/Spekačky produced then is evidenced by the ingredients: 50 % of the product was rump beef from young animals, 20 % highquality skinless pork and 30 % diced bacon. Depending on the consistency of the product, small amounts of sausage meat (binding agent produced from beef) were sometimes added. The product was seasoned with garlic, black pepper and occasionally a little nutmeg too. Another option was to impale the Špekáčky/Špekačky on a stick, and attach them with flax string. Because the product was sold by the piece, the total weight had to correspond to the number of pieces. In order to achieve the high quality, the product also had to be properly smoked. The early part of the 20th century saw the further development of the smoking process and, alongside párky and klobásy (other traditional types of sausage), Špekáčky/Špekačky became a mainstay among soft-meat products. Some companies, especially in large cities, became famous for their Špekáčky/Špekačky. Among the more noted manufacturers were Koula and Macháček in Prague's New Town area, and Šereda in the suburb of Vinohrady, whose Špekáčky/Špekačky became known to the citizens of Prague as 'Šeredky'. These soft-meat products were supplied to shops still hot after smoking, and, usually in the afternoon, there would be a wonderful smoky smell not only in the shops themselves but also in the whole of the surrounding area. By evening, the streets of old Prague would be aglow with golden gas lighting and filled with the smell, coming from one of the many street food stalls, of Špekáčky/Špekačky baking on charcoal.

The quality of meat products was not, at that time, subject to any rules and regulations. Public inspections focused mainly on flour, which was not allowed to be added to Špekáčky/Špekačky. After World War II, the key ingredient in Špekáčky/Špekačky, besides bacon, was still beef. Later, as pig farming increased, the composition of ingredients was: 40 % beef (front cuts), 30 % production-quality pork and 30 % bacon. At that time, the seasoning was changed with the addition of sweet paprika. After meat-producing and meat-processing businesses were nationalised, the composition of the ingredients, additives, casings and technological processes became subject to technical and economic standards, which continued to improve the quality of this traditional Czech product. Production of Špekáčky/Špekačky was covered by the technical and economic standards for meat products (Part 1 of the rules applicable from 1 January 1977, meat industry directorate-general, Prague) under No ČSN 57 7115. As a result, their manufacture according to those standards spread throughout the former Czechoslovakia. As the production technology gradually changed, and owing to the limited availability of certain ingredients or casings (for example, beef rounds), a set recipe was created, which is given above in the description of Špekáčky/Špekačky production methods — see point 3.6 of this application.

3.9. Minimum requirements and procedures to check the specific character:

Checks are made on the following:

- compliance with the proportions of ingredients, additives and seasoning in accordance with the recipe; the preparation process involves cross-checking against the recipe;
- checking that the bacon pieces (špek) are unevenly distributed in the thicker mixture with a smallish proportion of collagen particles; visual check carried out during the technological production process after the process of stuffing into the natural intestine and dividing the individual pieces with string;
- compliance of the product's shape, surface appearance, colour and consistency; visual check carried out after heat-processing, spraying and cooling of the finished product;
- compliance of the appearance and colour when sliced; visual check carried out after heat-processing, spraying and cooling of the finished product;
- compliance of flavour, smell, consistency and juiciness of the product; sensory check of the finished product carried out after heating;

— compliance of the physical and chemical composition of the product; the finished product is examined by the approved laboratory methods.

Checks must be carried out by the verifying body or company at least once a year on the premises of every manufacturer of the product.

Authorities or bodies verifying compliance with the product specification:

4.1. Name and address:

Authoritie	s or bodies verifying compliance with the product specification in the Czech Republic:
Name: Address:	Státní zemědělská a potravinářská inspekce Květná 15 603 00 Brno ČESKÁ REPUBLIKA
Tel. E-mail:	+420 543540111 sekret.oklc@szpi.gov.cz
X Public	☐ Private
Name: Address:	Státní veterinární správa ČR Slezská 7 120 00 Praha 2 ČESKÁ REPUBLIKA
Tel. E-mail:	+420 227010137 hygi@svscr.cz
X Public	☐ Private
Authoritie	s or bodies verifying compliance with the product specification in the Slovak Republic:
Name: Address:	BEL/NOVAMANN International, s r.o. Továrenská 14 815 71 Bratislava P.O. BOX 11 820 04 Bratislava 24 SLOVENSKO/SLOVAKIA
Tel. E-mail:	+421 250213376 tomas.ducho@ba.bel.sk
X Public	☐ Private
Name: Address:	Štátna veterinárna a potravinová správa SR Botanická 17 842 13 Bratislava SLOVENSKO/SLOVAKIA
Tel. E-mail:	+421 260257427 buchlerova@svssr.sk
▼ Public	☐ Private
Specific tas	ks of the authority or body:

The inspection bodies referred to in point 4.1 are responsible for checking that all specifications have been met.

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

(2010/C 94/13)

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.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006 'PIMIENTO DE GERNIKA' OR 'GERNIKAKO PIPERRA' EC No: ES-PGI-0005-0673-31.08.2008

PGI (X) PDO ()

1. Title:

'Pimiento de Gernika' or 'Gernikako Piperra'

2. Member State or third country:

Spain

- 3. Description of the agricultural product or foodstuff:
- 3.1. Type of product:

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

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

'Gernikako Piperra' or 'Pimiento de Gernika' peppers protected by the protected geographic indication are fruits of the genus *Capsicum annnuum L.*, which belong to the local cultivar of the Gernika variety. They are intended for human consumption fresh as unripe peppers for frying. Within this local cultivar, different lines from the two that were entered into the Commercial Varieties Register with the names 'Derio' and 'Iker' have been selected. Any other line within this local cultivar that has the characteristics that define the 'Pimiento de Gernika' variety is also protected by the protected geographic indication.

'Pimiento de Gernika' is a sweet pepper containing little or no capsaicin and which in the environmental conditions of the Basque Country is not usually spicy. It has thin flesh (2 to 3 mm thick) and when cut lengthways has a medium to elongated triangle shape, which corresponds to types C3 and C1 of Pochard's classification (1966).

The pepper is mainly used for frying, for which the fresh flesh is taken in its unripened state. This has become the most popular method of consumption. The fruits are harvested when they are a uniform green all over and before having reached their final size. They are between 6 and 9 cm long, excluding the stalk, between 2 and 3 cm wide and weigh between 10 and 12 g. The colour tone varies from medium to dark green. They are narrow and long. When cut lengthways they are triangular and their cross-section is elliptical to triangular with two or three slightly pronounced lobes. The tip is pointed, the stalk is long and thin. The area where the stalk joins the fruit is usually flat or convex. The skin is thin and is not leathery, nor does it contain parchment. The peppers are smooth and look fresh. They contain seeds that are an off-white colour and are not completely formed.

The 'Gernika' variety is also know as 'pimiento choricero' and 'pimiento de Bizkaia'.

The majority of these peppers are consumed fresh, before reaching their final size.

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

The peppers must have been produced and packed in the geographical area.

They must be planted in the open air or underneath a cover. They are produced using the most appropriate techniques for perfect development and fruiting. No products or systems that could harm the quality of the product may be used.

Open air planting is done in April and May and planting in greenhouses is done in February, March and April, meaning that the fruits can be harvested from June in the first case and from mid-April in the second case. They are planted at a density of 3-4 plants per square metre.

Any treatments must be minimal and necessary and biological pest control treatments and techniques should be used wherever possible.

In general terms, the specifications of the technical standard (*Producción Integrada para el Pimiento*) that is currently in force in the Autonomous Community of the Basque Country must be followed.

Most of the crop is harvested by hand between April and November. The harvest is staggered and as many runs are made as are required. It is done when the product is at the optimum stage of development and is done very carefully so as not to damage the fruit and to guarantee its physical properties.

3.4. Special standards for slicing, grating, packing, etc.:

The peppers are packed and packaged in the production area. Traditionally, the packing and packaging work is done on each individual plantation.

As the product is harvested when it is at an optimum stage of its development. It is harvested daily and packed the same day.

The requirement to pack and package the peppers in the same production area aims to protect the reputation of the protected geographical indication, guaranteeing the authenticity of the product and maintaining its quality and characteristics.

It is a fresh product with a short expiry date. It is not advisable to store the product in a refrigerator nor to transport the product or keep it any longer than necessary as this can have a negative impact on it.

Due to their special characteristics (sold fresh, thin skin and flesh, unripe), the peppers are very sensitive to sudden changes in temperature or humidity and age rapidly. Any handling or transport more than that which is strictly necessary for packaging them for the consumer could diminish the quality of the product.

3.5. Specific rules on labelling:

Labels that use the protected geographical indication 'Pimiento de Gernika' or 'Gernikako Piperra' and the information that is generally established by law must include the wording 'Pimiento de Gernika' or 'Gernikako Piperra' and its logo.



4. Concise definition of the geographical area:

The geographical area includes the provinces of Gipuzkoa and Bizkaia, and the following areas of Alava: the Cantábrica Alavesa area which includes the municipalities of Ayala, Okondo, Llodio, Amurrio and Artziniega and the area Estribaciones del Gorbea, municipalities of Urkabustaiz, Zuya, Zigoitia, Legutiano and Aramaio.

5. Link with the geographical area:

5.1. Specificity of the geographical area:

The geographical area suitable for producing these peppers is limited to the Atlantic coast of the Basque Country, which has a mesothermic climate characterised by moderate temperatures and much rain. There is not one dry month and most of the rain falls in autumn and winter. It is an Atlantic climate dominated by marine currents from the west to the east, which explains why the climate in this area is much cooler (average annual temperature of 13 °C and temperature variation of 11 °C) and more humid than could be expected for its latitude.

The optimal relative air humidity is between 60 and 75 %. Lower air humidity accompanied by periods of increased temperature and sunshine can lead to physiological problems, which diminish the marketable quality of the fruits as for example does the waterproof coating which sometimes appears (which reduces its value for its main use as a frying pepper).

If, on top of these environmental conditions, there is a lack of groundwater and high evapotranspiration, other physiological changes can occur that lower the quality of the fruits such as apicalblossom end rot and/or the appearance of some spicy fruits due to an increase in the capsaicin content.

The climate of the Basque Country fits perfectly the pepper's agroclimatic needs. The Atlantic coast of the Basque Country provides the pepper with the right temperature, which is moderate and not excessively hot and the security that there will be no frosts. Also the soil in the north of the Basque Country is characterised by its lime content and the abundance of organic material, which help the 'Pimiento de Gernika' to grow appropriately.

The limited geographical area's agroclimatic conditions give this pepper some of the individual quality characteristics that have made it famous whilst preventing or reducing the defects that devalue it such as hotness, a waterproof coating or apical-blossom end rot.

5.2. Specificity of the product:

'Pimiento de Gernika' or 'Gernikako Piperra' is a local cultivar that is perfectly adapted to the agroclimatic conditions of the Atlantic coast of the Basque Country.

The agroclimatic conditions in the production area give this pepper some of the individual characteristics such as the absence of hotness and the thinness of its flesh that have made it famous.

This type of pepper is demanding in terms of temperature. Temperatures below 15 °C slow its growth and at less than 10 °C it stops altogether. Temperatures above 35 °C can cause the blossom to fall and the fruits to ripen early. The optimal temperature for vegetative development and fruiting is 25/18 °C day/night. At 1 °C the plants suffer frost damage. For the plant to develop, the soil temperature must be above 12 °C and if it is to develop properly the average daily air temperature should reach 20 °C with just a slight diurnal variation.

Also, size is another of its particularities, although harvesting the pepper early ensures that its flesh is thin, that there is no parchment and that it has an agreeable taste.

This pepper is known for its extraordinary taste and great quality and is usually eaten fried as an aperitif, garnish or starter. It is one of the most typical items in the Basque cuisine.

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 link between the limited geographical area and the 'Pimiento de Gernika' or 'Gernikako Piperra' is based on its reputation and cultural practices dating back to antiquity, which among other aspects came about as a result of the pepper's great popularity among consumers in the Basque Country and its market value.

'Pimiento de Gernika' or 'Gernikako Piperra' is one of the oldest plants known in the Basque Country and its seeds and the secrets of its cultivation have been passed from father to son for centuries and form part of Bizkaia's history.

Great food critics from the Basque Country and the rest of Spain (Llona Larrauri, Busca Isusi, J.L. Iturrieta, J.J. Lapitz, José Castillo, Marquesa de Parebere or Ignacio Domenech) have praised this product in their articles or have included it in some of their recipes. World-famous Basque chefs such as Arguiñano or Subijana use this product in their recipes too.

The 'Cofradía del Gernikako Piperra' was founded in 1998 with the sole aim of publicising the 'Pimiento de Gernika' or 'Gernikako Piperra'. The group organises various promotional activities for 'Pimiento de Gernika' for people who enjoy this product on the traditional market in Gernika. The pepper takes its name from this town because it has traditionally been the area where it was most grown and the famous fruit and vegetable market where the pepper is one of the main attractions is held there every Monday.

The 'last Monday of Gernika' is the largest agricultural fair in the Basque Country with more than 100 000 visitors and is held on the last Monday of October. The founding map of the town of Gernika from 1366 contains references to this market.

The product's reputation also owes its fame to the study carried out by the market research company IKERFEL on products of recognised quality which was drawn up using a quantitative methodology based on 900 interviews that were held between 16 and 30 July 2009 with the people responsible for home shopping in the Autonomous Community of the Basque Country. According to this study, the name 'Pimiento de Gernika' or 'Gernikako Piperra' is recognised (spontaneous — suggested) by 83 % of the population of the Autonomous Community of the Basque Country.

As already mentioned, in addition to reputation and cultural practices, the climate in the limited geographic area is fundamental to the quality and particularity of this product.

The climate in the geographic area therefore combines the temperatures and humidity that this type of pepper needs for its vegetative and reproductive development.

When this pepper is grown in others areas in the south of Spain with a warmer climate and at times when temperatures are high and humidity is low, the marketable quality of the fruits is lessened because a higher proportion of the fruit is affected by the physiological problems described above of waterproof coating, apical-blossom end rot and/or spicy fruit.

It is a native variety that is grown in soil (both in the open air and in greenhouses) and has adapted perfectly to the under cover growing techniques farmers have been using since the 1970s. These systems for growing in greenhouses involve using cold tunnels without heating or lighting, or as so often with just support heating for the first growing phase. They aim to lengthen the growing cycle in order to increase production or to obtain better precocity and better market prices at the beginning of the season in comparison with the open air growing system which has a later production.

The local cultivar is the direct result of the observation skills and expertise of the farmers in the area. It reflects its relationship with the environment and is particularly well adapted to the climatic conditions in the area. Over a long period of time, man has been able to successfully maintain and grow the 'Pimiento de Gernika' variety and retain the particular commercial use which is made of it. This has made it possible to conserve the originality of this type of pepper. 'Pimiento de Gernika' owes its particularity to the fact that it is perfectly adapted to the production area.

Reference to publication of the specification:

(Article 5(7) of Regulation (EC) No 510/2006)

The specifications were published in Official Journal of the Basque Country No 94 on 17 May 2007: http://www.euskadi.net/cgi-bin_k54/bopv_20?c&f=20070517&a=200702815

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