

Official Journal

of the European Union

C 103



English edition

Information and Notices

Volume 53

22 April 2010

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Price:
EUR 3⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 31 March 2010

on a proposal for a Council Regulation amending Regulation (EC) No 479/2009 as regards the quality of statistical data in the context of the excessive deficit procedure**(CON/2010/28)**

(2010/C 103/01)

On 8 March 2010 the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a Council Regulation amending Regulation (EC) No 479/2009 as regards the quality of statistical data in the context of the excessive deficit procedure ⁽¹⁾ (hereinafter the 'proposed regulation').

The ECB's competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union since national central banks (NCBs) assist in or contribute to the compilation of statistics under Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community ⁽²⁾. Moreover, they report government finance statistics to the ECB for the purpose of the performance of European System of Central Banks (ESCB) tasks as referred to in Article 127(5) of the Treaty. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

General observation

The ECB supports the proposed regulation as a very important step towards improving the quality of the statistics referred to in Regulation (EC) No 479/2009.

Specific observations

The ECB stresses that it is very important that the Member States provide the Commission (Eurostat) with access to all of the information that the Commission requires for assessing the quality of data. The ECB also considers that for this purpose a more detailed list than that proposed to be included in Article 8(2) would be beneficial in order to increase clarity and certainty as to what kind of information may be requested. It should be clear that the list is non-exhaustive.

In the same vein, the ECB considers that introducing in Article 11(3) some examples could clarify when methodological visits are required. Frequent and sizeable data revisions, persistent unexplained stock-flow adjustments and unresolved problems concerning methodological issues may give cause for concern and therefore warrant a methodological visit, which the ECB believes is an excellent means of improving the quality of data. Of course, the provisions in Regulation (EC) No 479/2009 concerning these visits, and the other provisions aimed at improving data quality, can only be truly effective when applied in full.

⁽¹⁾ COM(2010) 53 final.

⁽²⁾ OJ L 145, 10.6.2009, p. 1.

Furthermore, the ECB believes that the definition of 'government deficit (surplus)' in Regulation (EC) No 479/2009 should be aligned with international statistical standards. The ECB therefore proposes to use the deficit (B.9) from the national accounts for the excessive deficit procedure (EDP) as in the early years of this procedure. This would have the added benefit of increasing the transparency of the reporting process, since by excluding settlements under swaps arrangements and forward rate agreements from the deficit used for the EDP the deficit figures become less susceptible to manipulations carried out by way of complex financial transactions.

To improve data quality, the ECB would moreover like to ensure that the compilation of the planned data is based on the most up-to-date available information, using monthly and quarterly outturns where available. Ideally, the quality of these planned data should also be scrutinised.

In addition, the ECB believes that the Commission should be given more time to assess the actual data and would favour extending the period referred to in Article 14 by one week to four weeks. Extending this period also requires earlier data transmissions by the Member States, in order not to disrupt the administrative processes (including, for example, the preparation of convergence reports) in which these data are used. Hence, the ECB proposes to advance the reporting deadlines in the future. As the ECB understands that an amendment of Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community ⁽¹⁾ (i.e. the European System of Accounts (ESA) transmission programme) is currently under discussion, the respective deadlines should be aligned to avoid consistency problems.

Finally, the ECB considers it important that the national statistical authorities have access to the information needed to ensure the compliance of reported data with Article 1 of Regulation (EC) No 479/2009 and the underlying ESA 95 accounting rules.

Where the ECB recommends that the proposed regulation is amended, specific drafting proposals are set out in the Annex accompanied by explanatory text to this effect.

Done at Frankfurt am Main, 31 March 2010.

The President of the ECB
Jean-Claude TRICHET

⁽¹⁾ OJ L 310, 30.11.1996, p. 1.

ANNEX

Drafting proposals

Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
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Amendment 1

Article 8(2) of Regulation (EC) No 479/2009

<p>Article 8</p> <p>'2. Member States shall as promptly as possible provide the Commission (Eurostat) with access to all the information requested for the needs of the data quality assessment, including statistical information such as data from national accounts, inventories, excessive deficit procedure notification tables, additional questionnaires and clarification related to the notifications.</p> <p>The format of the questionnaires shall be defined by the Commission (Eurostat) after consultation of the Committee on Monetary, Financial and Balance of Payments Statistics (hereinafter referred to as CMFB).'</p>	<p>Article 8</p> <p>'2. Member States shall as promptly as possible provide the Commission (Eurostat) with access to all the statistical and budgetary information requested for the needs of the data quality assessment. including statistical information such as data from national accounts, inventories, excessive deficit procedure notification tables, additional questionnaires and clarification related to the notifications.</p> <p>Statistical and budgetary information means, in particular:</p> <ul style="list-style-type: none"> (a) data from national accounts; (b) inventories; (c) excessive deficit procedure (EDP) notification tables; (d) additional questionnaires and clarifications related to EDP notifications; (e) information from the General Accounting Office/ Ministry of Finance/relevant regional authority on the execution of the State and regional budget; (f) the accounts of extra-budgetary bodies/non-profit organisations and similar bodies that are part of the general government sector in national accounts; (g) the accounts of social security funds; (h) surveys of local governments. <p>The format of the questionnaires shall be defined by the Commission (Eurostat) after consultation of the Committee on Monetary, Financial and Balance of Payments Statistics (hereinafter referred to as CMFB).'</p>
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Explanation:

The proposed regulation should specify that the requested information can be statistical and budgetary in nature, and provide examples of categories of this information, to enhance clarity and transparency.

Amendment 2

Article 11(3) of Regulation (EC) No 479/2009

<p>Article 11</p> <p>'3. The methodological visits are designed to monitor the processes and verify the accounts which justify the reported actual data and to draw detailed conclusions as to the quality of reported data, as defined in Article 8(1).</p>	<p>Article 11</p> <p>'3. The methodological visits are designed to monitor the processes and verify the accounts which justify the reported actual data and to draw detailed conclusions as to the quality of reported data, as defined in Article 8(1).</p>
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Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
The methodological visits shall only be undertaken in exceptional cases where significant risks or problems with the quality of the data have been clearly identified.'	The methodological visits shall only be undertaken in exceptional cases where significant risks or problems with the quality of the data have been clearly identified, for example frequent and sizeable data revisions, persistent unexplained stock-flow adjustments or unresolved problems relating to methodological issues.'

Explanation:

The ECB suggests specifying in a non-exhaustive manner what the exceptional cases are that would require a methodological visit.

(1) Bold in the body of the text indicates where the ECB proposes inserting new text. Strikethrough in the body of the text indicates where the ECB proposes deleting text.

Current text	Amendments proposed by the ECB
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Amendment 3

Article 1(3) of Regulation (EC) No 479/2009

'3. "Government deficit (surplus)" means the net borrowing (net lending) (EDP B.9) of the sector of "general government" (S.13), as defined in ESA 95. The interest comprised in the government deficit is the interest (EDP D.41), as defined in ESA 95.'	'3. "Government deficit (surplus)" means the net borrowing (net lending) (EDP B.9) of the sector of "general government" (S.13), as defined in the ESA 95. The interest comprised in the government deficit is the interest (EDP D.41), as defined in the ESA 95.'
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Explanation:

As explained in the specific observations, the ECB suggests improving the transparency of the reporting process by using the national accounts deficit (B.9) for the purpose of the EDP.

Amendment 4

Article 2(1) of Regulation (EC) No 479/2009

'1. "Planned government deficit and government debt level figures" means the figures established for the current year by the Member States. They shall be the most recent official forecasts, taking into account the most recent budgetary decisions and economic developments and prospects. They should be produced in as short a time as possible before the reporting deadline.'	'1. "Planned government deficit and government debt level figures" means the figures established for the current year by the Member States. They shall be the most recent official forecasts, taking into account the most recent budgetary decisions and economic developments and prospects as well as monthly and quarterly outturns . They should be produced in as short a time as possible before the reporting deadline.'
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Explanation:

The ECB is of the opinion that the quality of the planned data would improve if they were compiled on the basis of the most up-to-date available information.

Amendment 5

Article 14(1) of Regulation (EC) No 479/2009

'1. The Commission (Eurostat) shall provide the actual government deficit and debt data for the application of the Protocol on the excessive deficit procedure, within three weeks after the reporting deadlines referred to in Article 3(1) or after revisions as referred to in Article 6(1). That provision of data shall be effected through publication.'	'1. The Commission (Eurostat) shall provide the actual government deficit and debt data for the application of the Protocol on the excessive deficit procedure, within three four weeks after the reporting deadlines referred to in Article 3(1) or after revisions as referred to in Article 6(1). That provision of data shall be effected through publication.'
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Explanation:

To provide the Commission with more time to properly assess the quality of the actual data reported by the Member States, the ECB would like to propose a slight extension of the time limit.

Amendment 6

Article 16(1) of Regulation (EC) No 479/2009

'1. Member States shall ensure that the actual data reported to the Commission (Eurostat) are provided in accordance with the principles established by Article 10 of Regulation (EC) No 322/97. In this regard, the responsibility of the national statistical authorities is to ensure the compliance of reported data with Article 1 of this Regulation and the underlying ESA 95 accounting rules.'

'1. Member States shall ensure that the actual data reported to the Commission (Eurostat) are provided in accordance with the principles established by Article ~~240~~ of Regulation (EC) No **223/2009** ~~322/97~~. In this regard, the responsibility of the national statistical authorities is to ensure the compliance of reported data with Article 1 of this Regulation and the underlying ESA 95 accounting rules. **Member States shall ensure that the national statistical authorities are provided with access to all relevant information necessary to perform this task.**

Explanation:

The national statistical authorities should be given access to the information needed to ensure the compliance of reported data with Article 1 of the Regulation and the underlying ESA 95 accounting rules. This issue has also been addressed in the ECB Opinion CON/2010/17 of 23 February 2010 on the establishment of the Hellenic Statistical System and an independent statistical authority ⁽¹⁾.

⁽¹⁾ Published on the ECB's website at <http://www.ecb.europa.eu>

II

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

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case COMP/M.5835 — Cucina/Brakes/Menigo)****(Text with EEA relevance)**

(2010/C 103/02)

On 13 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 language 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 32010M5835. EUR-Lex is the on-line access to the European law.
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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

21 April 2010

(2010/C 103/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,3373	AUD Australian dollar	1,4387
JPY Japanese yen	124,65	CAD Canadian dollar	1,3335
DKK Danish krone	7,4421	HKD Hong Kong dollar	10,3814
GBP Pound sterling	0,86900	NZD New Zealand dollar	1,8811
SEK Swedish krona	9,5954	SGD Singapore dollar	1,8366
CHF Swiss franc	1,4329	KRW South Korean won	1 481,31
ISK Iceland króna		ZAR South African rand	9,9128
NOK Norwegian krone	7,8955	CNY Chinese yuan renminbi	9,1304
BGN Bulgarian lev	1,9558	HRK Croatian kuna	7,2571
CZK Czech koruna	25,286	IDR Indonesian rupiah	12 049,52
EEK Estonian kroon	15,6466	MYR Malaysian ringgit	4,2740
HUF Hungarian forint	264,13	PHP Philippine peso	59,338
LTL Lithuanian litas	3,4528	RUB Russian rouble	38,9845
LVL Latvian lats	0,7077	THB Thai baht	43,061
PLN Polish zloty	3,8713	BRL Brazilian real	2,3426
RON Romanian leu	4,1370	MXN Mexican peso	16,3311
TRY Turkish lira	1,9852	INR Indian rupee	59,5830

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

NOTICES FROM MEMBER STATES

Update of the list of residence permits referred to in Article 2(15) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ C 247, 13.10.2006, p. 1; OJ C 153, 6.7.2007, p. 5; OJ C 192, 18.8.2007, p. 11; OJ C 271, 14.11.2007, p. 14; OJ C 57, 1.3.2008, p. 31; OJ C 134, 31.5.2008, p. 14; OJ C 207, 14.8.2008, p. 12; OJ C 331, 21.12.2008, p. 13; OJ C 3, 8.1.2009, p. 5; OJ C 64, 19.3.2009, p. 15; OJ C 239, 6.10.2009, p. 2; OJ C 298, 8.12.2009, p. 15; OJ C 308, 18.12.2009, p. 20; OJ C 35, 12.2.2010, p. 5; OJ C 74, 24.3.2010, p. 13; OJ C 82, 30.3.2010, p. 26)

(2010/C 103/04)

The publication of the list of residence permits referred to in Article 2(15) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) is based on the information communicated by the Member States to the Commission in conformity with Article 34 of the Schengen Borders Code.

In addition to publication in the Official Journal, a monthly update is available on the website of the Directorate-General for Justice, Freedom and Security.

FRANCE

Replacement of the list published in OJ C 57, 1.3.2008, and in OJ C 198, 22.8.2009:

1. Residence permits**(a) Adult aliens**

French residence permits

- Carte de séjour temporaire comportant une mention particulière qui varie selon le motif du séjour autorisé (Temporary residence permit bearing specific wording which varies according to the reasons for the authorised stay),
- Carte de séjour portant la mention «compétences et talents» (Residence permit bearing the words 'skills and expertise'),
- Carte de séjour portant la mention «retraité» (Residence permit bearing the word 'retired'),
- Carte de résident (Resident's card),
- Carte de résident portant la mention «résident de longue durée-CE» (Resident's card bearing the words 'long-term EC resident'),
- Carte de résident délivrée aux ressortissants andorrans (Resident's card issued to Andorran nationals),
- Certificat de résidence d'Algérien (Residence certificate for Algerian nationals),
- Carte de séjour délivrée aux membres de famille (les membres de famille peuvent être des ressortissants de pays tiers) des citoyens de l'Union européenne, des ressortissants des États parties à l'Espace économique européen et des ressortissants suisses (Residence permit issued to family members (family members can also be third-country nationals) of citizens of the EU and nationals of the EEA/Switzerland),

- Autorisation provisoire de séjour portant la mention «volontariat associatif» (Temporary authorisation to stay bearing the words 'Voluntary community service'),
- Autorisation provisoire de séjour portant la mention «étudiant en recherche d'emploi» (Temporary authorisation to stay bearing the words 'Student looking for employment'),
- Autorisation provisoire de séjour portant la mention «parent accompagnant d'un mineur étranger malade» (Temporary authorisation to stay bearing the words 'Parent accompanying sick alien who is a minor'),
- Autorisation provisoire de séjour ne portant pas de mention spécifique (Temporary authorisation to stay bearing no specific wording),
- Récépissés de renouvellement de demande de titre de séjour, accompagnés du titre de séjour périmé (Receipt for a renewed application for a resident permit, together with the expired residence permit).

Note: Since 13 May 2002, all residence permits, resident's cards and residence certificates have been in the form of a laminated plastic card following the uniform European model.

Previous models valid until 12 May 2012 are still in circulation.

Monegasque permits (included pursuant to the decision of the Executive Committee of 23 June 1998 concerning Monegasque permits (SCH/Com-ex (98) 19)

- Carte de séjour de résident temporaire de Monaco (Temporary resident's permit (Monaco)),
- Carte de séjour de résident ordinaire de Monaco (Ordinary resident's permit (Monaco)),
- Carte de séjour de résident privilégié de Monaco (Privileged resident's permit (Monaco)),
- Carte de séjour de conjoint de ressortissant monégasque (Residence permit for the spouse of a person of Monegasque nationality).

(b) *Documents issued to aliens who are minors*

- Document de circulation pour étrangers mineurs (DCEM) (Travel document for alien minors),
- Titre d'identité républicain (TIR) (French Republic identity document).

(c) *List of persons participating in a school trip within the European Union*

2. Special Permits

Each special permit is marked according to the holder's status:

- «CMD/A»: délivrée aux chefs de mission diplomatique ('CMD/A': issued to heads of diplomatic missions),
- «CMD/M»: délivrée aux chefs de mission d'organisation internationale ('CMD/M': issued to heads of mission of international organisations),

- «CMD/D»: délivrée aux chefs d'une délégation permanente auprès d'une organisation internationale ('CMD/D': issued to heads of permanent delegations to international organisations),
- «CD/A»: délivrée aux agents du corps diplomatique ('CD/A': issued to diplomatic officials),
- «CD/M»: délivrée aux hauts fonctionnaires d'une organisation internationale ('CD/M': issued to senior officials of an international organisation),
- «CD/D»: délivrée aux assimilés diplomatiques membres d'une délégation permanente auprès d'une organisation internationale ('CD/D': issued to officials comparable to diplomatic officials who are members of permanent delegations to international organisations),
- «CC/C»: délivrée aux fonctionnaires consulaires ('CC/C': issued to consular officials),
- «AT/A»: délivrée au personnel administratif ou technique d'une ambassade ('AT/A': issued to administrative or technical staff of an Embassy),
- «AT/C»: délivrée au personnel administratif ou technique d'un consulat ('AT/C': issued to administrative or technical staff of a Consulate),
- «AT/M»: délivrée au personnel administratif ou technique d'une organisation internationale ('AT/M': issued to administrative or technical staff of an international organisation),
- «AT/D»: délivrée au personnel administratif ou technique d'une délégation auprès d'une organisation internationale ('AT/D': issued to administrative or technical staff of a delegation to an international organisation),
- «SE/A»: délivrée au personnel de service d'une ambassade ('SE/A': issued to service staff of an Embassy),
- «SE/C»: délivrée au personnel de service d'un consulat ('SE/C': issued to service staff of a Consulate),
- «SE/M»: délivrée au personnel de service d'une organisation internationale ('SE/M': issued to service staff of an international organisation),
- «SE/D»: délivrée au personnel de service d'une délégation auprès d'une organisation internationale ('SE/D': issued to service staff of a delegation to an international organisation),
- «PP/A»: délivrée au personnel privé d'un diplomate ('PP/A': issued to private staff of a diplomat),
- «PP/C»: délivrée au personnel privé d'un fonctionnaire consulaire ('PP/C': issued to private staff of a consular official),
- «PP/M»: délivrée au personnel privé d'un membre d'une organisation internationale ('PP/M': issued to private staff of a member of an international organisation),
- «PP/D»: délivrée au personnel privé d'un membre d'une délégation permanente auprès d'une organisation internationale ('PP/D': issued to private staff of a member of a permanent delegation to an international organisation),
- «EM/A»: délivrée aux enseignants ou militaires à statut spécial attachés auprès d'une ambassade ('EM/A': issued to teachers or military staff with special status attached to an Embassy),

- «EM/C»: délivrée aux enseignants ou militaires à statut spécial attachés auprès d'un consulat ('EM/C': issued to teachers or military staff with special status attached to a Consulate),
- «EF/M»: délivrée aux fonctionnaires internationaux domiciliés à l'étranger ('EF/M': issued to international officials domiciled abroad),
- «FI/M»: délivrée aux fonctionnaires internationaux des organisations internationales ('FI/M': issued to international officials of international organisations).

Note: 'Certificates of appointment' issued by the Ministry of Foreign Affairs are not considered special permits.

V

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

EUROPEAN COMMISSION

Prior notification of a concentration**(Case COMP/M.5816 — Oaktree/Aleris)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2010/C 103/05)

1. On 12 April 2010, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Oaktree Capital Group LLC ('Oaktree', USA) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Aleris International Inc. ('Aleris', USA) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Oaktree: alternative and non-traditional investment funds,

— for Aleris: production and sale of aluminium rolled and extruded products, recycled aluminium and specification alloys.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5816 — Oaktree/Aleris, 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').

⁽²⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

Prior notification of a concentration**(Case COMP/M.5781 — Total Holdings Europe S.A.S./ERG SPA/JV)****(Text with EEA relevance)**

(2010/C 103/06)

1. On 14 April 2010, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Total Italia Spa. ('Total Italia', Italy) wholly controlled by Total Holdings Europe S.A.S. ('Total', France, collectively 'Total group') and ERG Petroli Spa. ('EGP', Italy) fully owned by ERG Spa. ('ERG', Italy, collectively ERG Group), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of JV CO, a newly created joint venture resulting from the merger between EGP and Total Italia.

2. The business activities of the undertakings concerned are:

- for Total: production of oil and natural gas, refining and marketing of oil products, petrochemicals and specialty chemicals,
- for ERG: processing and marketing of petroleum products, generation and sale of thermoelectric power, steam and gas, generation of electricity from renewable sources,
- for JV CO: refining and marketing of petroleum products.

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.5781 — Total Holdings Europe S.A.S./ERG SPA/JV, 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 103/07)

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

APPLICATION FOR REGISTRATION OF A TSG

COUNCIL REGULATION (EC) No 509/2006**‘LIPTOVSKÁ SALÁMA’/‘LIPTOVSKÝ SALÁM’****EC No: SK-TSG-0007-0042-04.08.2006****1. Name and address of the applicant group:**

Name: Slovenský zväz spracovateľov mäsa
Address: Kukučínova 22
831 03 Bratislava
SLOVENSKO/SLOVAKIA
Tel. +421 255565162
Fax +421 255565162
E-mail: slovmaso@slovmaso.sk

Name: Český svaz zpracovatelů masa
Address: Libušská 319
142 00 Praha 4 – Písnice
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E-mail: reditel@cszm.cz

2. Member State or third country:

Slovak Republic

Czech Republic

3. Product specification:**3.1. Name(s) to be registered:**

‘Liptovská saláma’ (SK)

‘Liptovský salám’ (CS)

3.2. *Whether the name:*

- ☒ is specific in itself
- ☐ expresses the specific character of the agricultural product or foodstuff

The name 'Liptovská saláma' or 'Liptovský salám' is specific in itself because it relates to a particular type of salami. In Slovakia and the Czech Republic it is well established and well known, and has a long tradition and a good reputation. Its manufacture has long conformed to national standards.

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

- ☒ Registration with reservation of the name
- ☐ Registration, without reservation of the name

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:*

The characteristic features of 'Liptovská saláma' or 'Liptovský salám' are its homogeneous appearance when cut, its delicate meaty taste and the aroma imparted by the spices used and the smoking process.

Physical properties

- cylindrical, 8-9 cm in diameter, approximately 35-50 cm in length; the mini product is approximately 5 cm in diameter and 15-20 cm in length,
- elastic to the touch;

Chemical properties

- fat content: max. 40 %,
- salt content: max. 2,1 % ± 0,6 %,
- net muscle protein at least 8 % by weight;

Organoleptic properties

- external appearance and colour: the product is smooth or slightly wrinkled, the colour of the casing used is light or dark brown, and spots of dried juice and smoking-process stains on the casing are permitted,
- appearance and colour of cut surface: the cut surface is meaty-pink in colour and the presence of soft collagen particles in the homogeneous mass is permitted; natural spice particles are visible,
- odour and taste: mild aroma of spices (especially of mace, nutmeg and ginger) and smoking, appropriately salty and spicy taste, crunchy to the bite,
- consistency: elastic, compact.

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

'Liptovská saláma' or 'Liptovský salám' is made using beef with a fat content of up to 10 % and beef with a fat content of up to 30 %, pork with a fat content of up to 10 %, pork offcuts — pork with a maximum fat content up to 50 %, pork fat, potable water or ice, nitrite salting mix, and a mix of natural spices (ground black pepper, ground nutmeg, mace, ground ginger), garlic (in the form of flakes, concentrate or powder), in an amount corresponding to the standardised amount of fresh garlic, and a casing of smokeable cellulose. Additives: polyphosphates (E450, E451 as P_2O_5) in a quantity up to 0,03/kg, and ascorbic acid in a quantity up to 0,05/kg.

The following are used to make 100 kg of finished 'Liptovská saláma' or 'Liptovský salám':

beef with a fat content of up to 10 %	19,1 kg
beef with a fat content of up to 30 %	6,7 kg
pork with a fat content of up to 10 %	19,0 kg
pork offcuts with a fat content of up to 50 %	23,3 kg
pork fat	23,4 kg
potable water or ice	16,0 kg
nitrite salting mix	2,0 kg
ground black pepper	0,19 kg
ground nutmeg	0,02 kg
mace	0,02 kg
ground ginger	0,02 kg
garlic (flakes, concentrate, powder)	0,06 kg
polyphosphates (E450 and E451)	0,30 kg
ascorbic acid (E300)	0,05 kg
casings — smokeable cellulose casings	

Technical procedure

A fine homogeneous mass is prepared from all the raw materials, additives, spices and garlic and processing aids. The mixture thus prepared is fed into casings 8-9 cm in diameter and approximately 35-50 cm long. The products are hung on rods which are placed in a smoke-room, where they are dried and smoked using warm smoke, for the purposes of imparting a characteristic colour and aroma to the product. The smoked products are then cooked through at a temperature of 75-78 °C until a minimum heat effect corresponding to a temperature of 70 °C is reached in the core of the product for a period of at least 10 minutes. After cooking through, the products are sprinkled with cold water and allowed to cool. 'Liptovská saláma' or 'Liptovský salám' is placed on the market in a casing or in vacuum or controlled-atmosphere packs. As a cut product it is placed on the market in vacuum or controlled-atmosphere packs of various weights.

3.7. *Specific character of the agricultural product or foodstuff:*

'Liptovská saláma' or 'Liptovský salám' differs from other products in that fresh pork fat is used, which, combined with the other raw materials, reinforces the meaty taste, and is also different because of its characteristic aroma, which is imparted by mace, nutmeg, ginger and light smoking. The homogeneous appearance of the cut surface of the product, its elastic consistency and the fact that it is easy to slice and holds together well when sliced are equally specific to the product.

3.8. *Traditional character of the agricultural product or foodstuff:*

In 1956, workers at the meat-producing plant at Dubnica nad Váhom attempted to make a product different from the finely ground cooked meat products produced at the time. They replaced some of the pork fat with pork offcuts, the product was processed to a fine texture rather than the coarse texture that was normal at the time, and the result was 'Liptovská saláma' or 'Liptovský salám'. At that time they did not add paprika, and that is how the name 'Liptovská saláma' or 'Liptovský salám' came about, because in the Liptov region it was not customary to add paprika to meat products. The product became very popular. (Conversation with Mr Novotka, who worked in the Dubnica meat plant at that time.)

At the start of the 1970s the unique recipe for 'Liptovská saláma' or 'Liptovský salám' was created at this research department, and the product went on to find great favour. It was gradually put into production at many meat processing enterprises. Industry standard ON 57 6913 was adopted in 1978 (Source: Standard ON 57 6913, 1978). This standard has been regularly updated and revised (Appendix, 13 August 1982). One of the most recently renewed joint standards is the THN (technical-economic standard) for product number 764421 64, produced on 1 September 1988. The introduction to this standard includes the following note: 'Conforms to ON 57 6913'. In 1978 the Západoslovenský mäsový priemysel (Western Slovakia Meat Industry) works at Trnava began producing 'Liptovská saláma' or 'Liptovský salám' in cooperation with the research department of the GRT. Until 1990 we produced 'Liptovská saláma' or 'Liptovský salám' according to the traditional recipe and did not use paprika. 'Liptovská saláma' or 'Liptovský salám' allowed pork fat to be processed to an increased level, and around 600 kg was produced at the Trnava factory daily. It was very popular among consumers because of its distinctive taste. (Testimony of Mr Beňadik, 2003.)

The fact that production of 'Liptovská saláma' or 'Liptovský salám' was maintained is confirmed by an advertisement for an assortment produced by the Stredoslovenský mäsový priemysel n. p. (Central Slovakia Meat Industry company) in Zvolen, in the Čítanie o správnej výžive '81 annual (Slovenská spoločnosť pre správnu výživu, Bratislava, 1980). 'Liptovská saláma' or 'Liptovský salám' is among the products mentioned in this advertisement.

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

Checks include:

— adherence to the specified proportion of ingredients and spices.

During the technical process a visual check is made of the addition of fresh pork fat as the final ingredient. The amounts of spices (mace, nutmeg and ginger) prepared are checked before they are added. The amounts are checked against the amounts specified in the recipe.

— adherence to the technical process during the step in which a fine homogenous product is produced without granulation, and smoking,

- the homogeneity of the product is checked before it is fed into casings, checks are carried out visually and the level of smoking is checked by measuring the temperature of the smoke, which may not exceed 69 °C, and the duration of the smoking, which is between 10 and 15 minutes,
- physical indicators of the finished product: cylindrical shape and elasticity of the product,
- chemical indicators of the finished product: fat content, salt content, net muscle protein.

The values must correspond to those specified under point 3.5 in the specification.

- organoleptic properties of the finished product (appearance and colour of surface when cut, aroma and taste, consistency): the check is carried out visually and by means of sensory analysis at the end of the production process and corresponds to the characteristics specified in point 3.5 in the specification.

Checks by the authority or body verifying compliance with the product specification are performed once a year.

4. Authorities or bodies verifying compliance with the product specification:

4.1. Name and address:

Authorities or bodies verifying compliance with the product specification in Slovakia

Name: BEL/NOVAMANN International, s r.o.
Address: Továrenská 14
815 71 Bratislava
PO Box 11
820 04 Bratislava 24
SLOVENSKO/SLOVAKIA
Tel. +421 250213376
E-mail: tomas.ducho@ba.bel.sk

☐ Public ☒ Private

Name: Štátna veterinárna a potravinová správa SR
Address: Botanická 17
842 13 Bratislava
SLOVENSKO/SLOVAKIA
Tel. +421 260257427
E-mail: buchlerova@svssr.sk

☒ Public ☐ Private

Authorities or bodies verifying compliance with the product specification in the Czech Republic

Name: Státní zemědělská a potravinářská inspekce
Address: Kvetná 15
603 00 Brno
ČESKÁ REPUBLIKA
Tel. +420 543540111
E-mail: sekret.oklc@szpi.gov.cz

☒ Public ☐ Private

Name: Státní veterinární správa ČR

Address: Slezská 7
120 00 Praha 2
ČESKÁ REPUBLIKA

Tel. +420 227010137

E-mail: hygi@svscr.cz

☒ Public ☐ Private

4.2. *Specific tasks of the authority or body:*

Body or entity verifying compliance with the product specification in Slovakia and the Czech Republic.
The inspection bodies specified are responsible for checking the specification in its entirety.

INFORMATION NOTICE — PUBLIC CONSULTATION**Geographical indications from Colombia and Peru**

(2010/C 103/08)

The negotiations for a Trade Agreement between the European Union, and its Member States, and Colombia and Peru are underway. In this context, the protection in the European Union, as geographical indications, of the names set out below is under consideration.

The Commission invites any Member State or third country or any natural or legal persons having a legitimate interest, resident or established in a Member State or in a third country, to submit objections to such protection by lodging a duly substantiated statement.

Statements of objection must reach the Commission within two months of the date of this publication. Statements of objection should be sent to the following e-mail address: AGRI-B1@ec.europa.eu

Statements of objection shall be examined only if they are received within the time limit set out above and if they show that the name for which the protection is proposed would:

1. conflict with the name of a plant variety or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product;
2. be wholly or partially homonymous with that of a name already protected in the European Union under Council Regulation (EC) No 510/2006 ⁽¹⁾ on the protection of geographical indications and designations of origin for agricultural products and foodstuffs and Regulation (EC) No 110/2008 ⁽²⁾ of the European Parliament and of the Council on the definition, description, presentation, labelling and protection of geographical indications of spirit drinks; or contained in the agreements the European Union has concluded with the one of the following countries:

— Republic of Albania: Council Decision 2006/580/EC ⁽³⁾ of 12 June 2006 concerning the signing and conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Albania, of the other part (Protocol 3 on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine, spirit drinks and aromatised wine names),

— Bosnia and Herzegovina: Council Decision 2008/474/EC ⁽⁴⁾ of 16 June 2008 concerning the signing and conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part (Protocol 7),

— Canada: Council Decision 2004/91/EC ⁽⁵⁾ of 30 July 2003 on the conclusion of the Agreement between the European Community and Canada on trade in wines and spirit drinks,

— Republic of Chile: Council Decision 2002/979/EC ⁽⁶⁾ of 18 November 2002 on the signature and provisional application of certain provisions of an Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, and in particular Article 90 establishing the Agreement on Trade in Spirit Drinks and Aromatised Drinks,

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 39, 13.2.2008, p. 16.

⁽³⁾ OJ L 239, 1.9.2006, p. 1.

⁽⁴⁾ OJ L 169, 30.6.2008, p. 10.

⁽⁵⁾ OJ L 35, 6.2.2004, p. 1.

⁽⁶⁾ OJ L 352, 30.12.2002, p. 1.

- Croatia: Council Decision 2001/918/EC ⁽¹⁾ of 3 December 2001 on the conclusion of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks,
 - Former Yugoslav Republic of Macedonia: Council Decision 2001/916/EC ⁽²⁾ of 3 December 2001 on the conclusion of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks,
 - Mexico: Council Decision 97/361/EC ⁽³⁾ of 27 May 1997 concerning the conclusion of an Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks,
 - Montenegro: Council Decision 2007/855/EC ⁽⁴⁾ of 15 October 2007 concerning the signing and conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part,
 - South Africa: Council Decision 2002/52/EC ⁽⁵⁾ of 21 January 2002 on the conclusion of an Agreement between the European Community and the Republic of South Africa on trade in spirits,
 - Switzerland: Decision 2002/309/EC ⁽⁶⁾ of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation, and in particular the Agreement between the European Community and the Swiss Federation on trade in agricultural products — Annex 7;
3. in the light of a trademark's reputation and renown and the length of time it has been used, be liable to mislead the consumer as to the true identity of the product;
4. jeopardise the existence of an entirely or partly identical name or of a trademark or the existence of products which have been legally on the market for at least five years preceding the date of the publication of this notice;
5. be considered generic, if it can be concluded from details given.

The criteria referred to above shall be evaluated in relation to the territory of the European Union, which in the case of intellectual property rights refers only to the territory or territories where the said rights are protected. The eventual protection of these names in the European Union is subject to the successful conclusion of these negotiations and subsequent legal act.

This notice is without prejudice to the possibility of applying for registration of names from Colombia or Peru under Article 5(9) of Regulation (EC) No 510/2006 or Article 17 of Regulation (EC) No 110/2008 as appropriate.

⁽¹⁾ OJ L 342, 27.12.2001, p. 42.

⁽²⁾ OJ L 342, 27.12.2001, p. 6.

⁽³⁾ OJ L 152, 11.6.1997, p. 15.

⁽⁴⁾ OJ L 345, 28.12.2007, p. 1.

⁽⁵⁾ OJ L 28, 30.1.2002, p. 112.

⁽⁶⁾ OJ L 114, 30.4.2002, p. 1.

List of GIs for wines, spirit drinks and agricultural products and foodstuffs ⁽¹⁾

Class of products	Name as registered in Colombia
Fruit	Cholupa del Huila

Class of products	Name as registered in Peru
Spirit drink	Pisco
Vegetable	Maíz Blanco Gigante Cusco
Vegetable	Pallar de Ica

⁽¹⁾ Lists provided by the Colombian and Peruvian Authorities, in the framework of ongoing negotiations.

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 162 of 15 July 2009)**(2010/C 103/09)*

On page 19, under 'Publication reference of the specification':

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

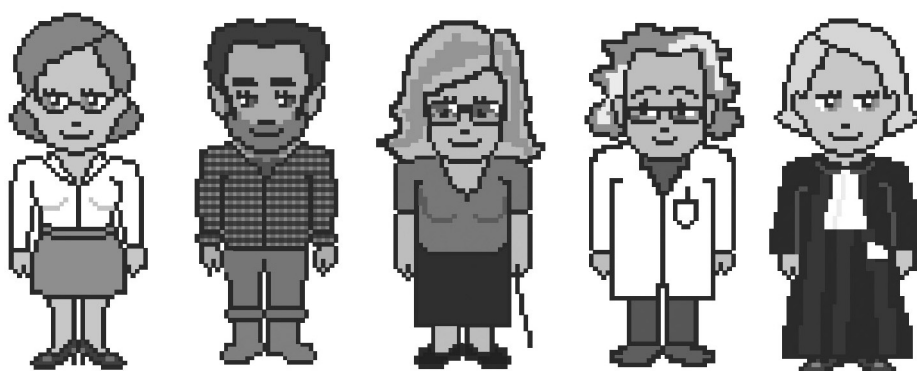
<http://docm.jccm.es/portaldocm/verDiarioAntiguo.do?ruta=2006/12/14>

Department of Agriculture Decision of 28 November 2006 granting the application to register Aceite Campo de Montiel as a Protected Designation of Origin (Resolución de 28 noviembre de 2006, de la Consejería de Agricultura, por la que se emite decisión favorable en relación con la solicitud de registro de la Denominación de Origen Protegida Aciete Campo de Montiel).',

read: 'http://docm.jccm.es/portaldocm/descargarArchivo.do?ruta=2009/12/01/pdf/2009_17997.pdf&tipo=rutaDocm'.

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