

Official Journal

of the European Union

C 306



English edition

Information and Notices

Volume 54

18 October 2011

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
IV <i>Notices</i>		
NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES		
European Commission		
2011/C 306/01	Euro exchange rates	1
NOTICES FROM MEMBER STATES		
2011/C 306/02	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	2
2011/C 306/03	Information communicated by Member States regarding closure of fisheries	4
2011/C 306/04	Information communicated by Member States regarding closure of fisheries	5
2011/C 306/05	Information communicated by Member States regarding closure of fisheries	6
2011/C 306/06	Information communicated by Member States regarding closure of fisheries	7
2011/C 306/07	Information communicated by Member States regarding closure of fisheries	8

EN
Price:
EUR 3

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
2011/C 306/08	Information communicated by Member States regarding closure of fisheries	9

V *Announcements*

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

2011/C 306/09	State aid — Ireland — State aid SA.29064 (11/C) (ex 11/NN) — Air transport — Exemptions from air passenger tax — Invitation to submit comments pursuant to Article 108(2) of the TFEU ⁽¹⁾	10
2011/C 306/10	Prior notification of a concentration (Case COMP/M.6289 — Alstom/Bouygues Immobilier/Exprimm SAS/Embix JV) — Candidate case for simplified procedure ⁽¹⁾	17

OTHER ACTS

European Commission

2011/C 306/11	Publication of an application for registration pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin of agricultural products and foodstuffs	18
---------------	---	----



⁽¹⁾ Text with EEA relevance

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

17 October 2011

(2011/C 306/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3776	AUD	Australian dollar	1,3406
JPY	Japanese yen	106,43	CAD	Canadian dollar	1,3955
DKK	Danish krone	7,4453	HKD	Hong Kong dollar	10,7124
GBP	Pound sterling	0,87400	NZD	New Zealand dollar	1,7225
SEK	Swedish krona	9,1582	SGD	Singapore dollar	1,7458
CHF	Swiss franc	1,2365	KRW	South Korean won	1 577,85
ISK	Iceland króna		ZAR	South African rand	10,8856
NOK	Norwegian krone	7,7320	CNY	Chinese yuan renminbi	8,7746
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,4685
CZK	Czech koruna	24,762	IDR	Indonesian rupiah	12 147,13
HUF	Hungarian forint	293,94	MYR	Malaysian ringgit	4,2707
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	59,465
LVL	Latvian lats	0,7049	RUB	Russian rouble	42,4230
PLN	Polish zloty	4,2927	THB	Thai baht	42,182
RON	Romanian leu	4,3320	BRL	Brazilian real	2,4083
TRY	Turkish lira	2,5514	MXN	Mexican peso	18,2857
			INR	Indian rupee	67,4400

⁽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

(2011/C 306/02)

Aid No: SA.33657 (11/XA)

Member State: France

Region: France

Title of aid scheme or name of company receiving an individual aid: Assistance technique aux exploitations agricoles de huit baies bretonnes pour leur évolution vers des systèmes de production à très basses fuites d'azote

Legal basis:

- arrêté du préfet de la région Centre, coordonnateur du bassin Loire-Bretagne, du 18 novembre 2009, portant approbation du schéma directeur d'aménagement et de gestion des eaux du bassin Loire-Bretagne (cf. disposition 10 A)
- plan de lutte contre les algues vertes du 5 février 2010
- projets de délibération du Conseil régional de Bretagne et des Conseils généraux des Côtes-d'Armor et du Finistère

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Annual overall amount of the budget planned under the scheme: EUR 3 million

Maximum aid intensity: 100 %

Date of implementation: —

Duration of scheme or individual aid award: 24 October 2011-31 December 2015

Objective of aid: Technical support (Article 15 of Regulation (EC) No 1857/2006)

Sector(s) concerned: Crop and animal production, hunting and related service activities

Name and address of the granting authority:

M. le préfet de la région Bretagne, MM. les présidents du Conseil régional de Bretagne et des Conseils généraux des Côtes-d'Armor et du Finistère

le préfet de la région Bretagne
3 avenue de la Préfecture
35026 Rennes Cedex 9
FRANCE

le président du Conseil régional de Bretagne
5-9 rue Martenot
35000 Rennes
FRANCE

le directeur de l'agence de l'eau Loire-Bretagne
avenue Buffon, BP 6339
45063 Orleans Cedex 2
FRANCE

Website:

http://draaf.bretagne.agriculture.gouv.fr/IMG/pdf/Note_detaillée_Diagnostic-conseil_cle838b5c.pdf

<http://www.bretagne.pref.gouv.fr/Les-actions-de-l-Etat/Environnement-et-prevention-des-risques/L-eau/Plan-de-lutte-contre-les-algues-vertes>

Other information: —

Aid No: SA.33729 (11/XA)

Member State: Italy

Region: Emilia-Romagna

Title of aid scheme or name of company receiving an individual aid: Prevenzione e l'eradicazione di fitopatie ed infestazioni parassitarie. Programma di intervento contributivo riferito alle estirpazioni di piante di drupacee e di actinidia

Legal basis:

Deliberazione Giunta Regionale n. 1275 del 5 settembre 2011,

Legge Regionale n. 6 del 23 luglio 2010,

Legge Regionale n. 3 del 20 gennaio 2004,

Decreto Legislativo n. 214 del 19 agosto 2005,

Decreto Ministeriale 28 luglio 2009,

Decreto Ministeriale 7 febbraio 2011.

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Annual overall amount of the budget planned under the scheme: EUR 1 million

Maximum aid intensity: 100 %

Date of implementation: —

Duration of scheme or individual aid award: 4 November 2011-31 December 2013

Objective of aid: Plant diseases — pest infestations (Article 10 of Regulation (EC) No 1857/2006)

Sector(s) concerned: Agriculture, forestry and fishing

Name and address of the granting authority:

Regione Emilia-Romagna
Direzione Generale Agricoltura, economia ittica, attività faunistico-venato
Viale della Fiera 8
40127 Bologna BO
ITALIA

Website:

<http://www.ermesagricoltura.it/Servizio-fitosanitario/Finanziamenti/Finanziamenti-batteriosi-dell-actinidia-PSA/Normativa-di-base/Deliberazione-n.-1275-del-5-09-20112>

Other information: —

Aid No: SA.33730 (11/XA)

Member State: Italy

Region: Basilicata

Title of aid scheme or name of company receiving an individual aid: Misure regionali di sostegno alle aziende frutticole colpite dalla Vaiolatura delle drupacee (Sharka), causata dall'agente Plum pox virus

Legal basis:

Legge 1 luglio 1997, n. 206 Norme in favore delle produzioni agricole danneggiate da organismi nocivi;

Decreto del ministero delle politiche agricole, alimentari e forestali del 28 luglio 2009 recante lotta obbligatoria per il controllo del virus Plum pox virus (PPV), agente della «Vaiolatura delle drupacee» (Sharka).

Delibera di Giunta Regionale n. 643 del 4 maggio 2011

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Annual overall amount of the budget planned under the scheme: EUR 0,30 million

Maximum aid intensity: 39,20 %

Date of implementation: —

Duration of scheme or individual aid award: 13 October 2011-31 December 2012

Objective of aid: Plant diseases — pest infestations (Article 10 of Regulation (EC) No 1857/2006)

Sector(s) concerned: Growing of pome fruits and stone fruits

Name and address of the granting authority:

Regione Basilicata
Dipartimento Agricoltura, Sviluppo Rurale, Economia Montana
Via Vincenzo Verrastro
85100 Potenza PZ
ITALIA

Website:

http://www.regione.basilicata.it/giunta/files/docs/DOCUMENT_FILE_554194.pdf

Other information: —

Information communicated by Member States regarding closure of fisheries

(2011/C 306/03)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	5.9.2011
Duration	5.9.2011-31.12.2011
Member State	Portugal
Stock or Group of stocks	WHM/ATLANT
Species	White marlin (<i>Tetrapturus albidus</i>)
Zone	Atlantic Ocean
Type(s) of fishing vessels	—
Reference number	—

Web link to the decision of the Member State:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

Information communicated by Member States regarding closure of fisheries

(2011/C 306/04)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	5.9.2011
Duration	5.9.2011-31.12.2011
Member State	Portugal
Stock or Group of stocks	ALF/3X14-
Species	Alfonsinos (<i>Beryx</i> spp.)
Zone	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV
Type(s) of fishing vessels	—
Reference number	—

Web link to the decision of the Member State:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

Information communicated by Member States regarding closure of fisheries

(2011/C 306/05)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	25.6.2011
Duration	25.6.2011-31.12.2011
Member State	Spain
Stock or Group of stocks	BSF/8910-
Species	Forkbeards (<i>Phycis blennoides</i>)
Zone	EU and international waters of VIII and IX
Type(s) of fishing vessels	—
Reference number	887271

Web link to the decision of the Member State:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

Information communicated by Member States regarding closure of fisheries

(2011/C 306/06)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	12.7.2011
Duration	12.7.2011-31.12.2011
Member State	Spain
Stock or Group of stocks	BSF/8910-
Species	Black scabbardfish (<i>Aphanopus carbo</i>)
Zone	EU and international waters of VIII, IX and X
Type(s) of fishing vessels	—
Reference number	887293

Web link to the decision of the Member State:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

Information communicated by Member States regarding closure of fisheries

(2011/C 306/07)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	13.8.2011
Duration	13.8.2011-31.12.2011
Member State	Belgium
Stock or Group of stocks	WHG/08.
Species	Whiting (<i>Merlangius merlangus</i>)
Zone	VIII
Type(s) of fishing vessels	—
Reference number	870462

Web link to the decision of the Member State:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

Information communicated by Member States regarding closure of fisheries

(2011/C 306/08)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	13.8.2011
Duration	13.8.2011-31.12.2011
Member State	Belgium
Stock or Group of stocks	LEZ/8ABDE.
Species	Megrimis (<i>Lepidorhombus</i> spp.)
Zone	VIIIa, VIIIb, VIIIc and VIId
Type(s) of fishing vessels	—
Reference number	870462

Web link to the decision of the Member State:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

V

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

EUROPEAN COMMISSION

STATE AID — IRELAND

State aid SA.29064 (11/C) (ex 11/NN) — Air transport — Exemptions from air passenger tax**Invitation to submit comments pursuant to Article 108(2) of the TFEU***(Text with EEA relevance)**(2011/C 306/09)*

By means of the letter dated 13 July 2011 reproduced in the authentic language on the pages following this summary, the Commission notified Ireland of its decision to initiate the procedure laid down in Article 108(2) of the TFEU concerning the abovementioned measure.

Interested parties may submit their comments on the measure in respect of which the Commission is initiating the procedure within one month of the date of publication of this summary and the following letter, to:

European Commission
Directorate-General for Competition
State aid Greffe
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22961242

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

TEXT OF SUMMARY

As of 30 March 2009, the Irish authorities introduced an excise duty on air passenger transport, which was to be levied in respect of 'every departure of a passenger on an aircraft from an airport'. While the tax in fine was intended to be passed on to the passengers via the ticket price, it was the airline operators that were liable to collect and pay the tax in respect of passengers departing on their respective aircrafts. The definition of 'passenger' in this context excludes transfer and transit passengers from the tax. At the time of the introduction, the tax was levied on the basis of the distance between the airport where the journey began and the airport where the journey ended, at the rate of (i) EUR 2 in the case of a journey from an airport to a destination located at most 300 km from Dublin

airport; and (ii) EUR 10 in any other case. Following an infringement procedure, as of 1 March 2011 one single rate of EUR 3 applies to all distances. Since the taxable event is the departure of a passenger on an aircraft, cargo flights and other modes of transport fall outside of the scope of the tax.

According to a complaint received by the Commission, the non-application of the tax to transfer and transit passengers and to cargo flights constitutes illegal and incompatible State aid granted to airline operator Aer Lingus and Aer Arann and to airport operator Dublin Airport Authority (DAA), since these undertakings had a relatively high proportion of such passengers and flights. Moreover, the non-application of the

tax to maritime services and rail transport allegedly results in State aid to operators in these sectors. The complainant also referred to the fact that the fixed amount of the tax represented a higher share of the fare price for low-cost carriers than for traditional airlines. Finally, the complainant claims that the lower tax rate favoured Aer Arann since 50 % of the passengers carried by that airline travel to destinations located at most than 300 km from Dublin airport.

According to the Irish authorities, cargo flights and other modes of transport than air transport fall outside of the scope of the tax due to the relatively simple application of the tax. Taxation policy is not designed to fit with any particular individual business model. Any operator of cargo service or other modes of transport than air transport would fall outside of the scope of the tax for the provision of such services. The exclusion of transfer and transit traffic from the scope of the tax is due to neutrality reasons: it was *in fine* the passengers who would bear the costs of the tax and they should not be penalised by the fact that a stopover takes place in Ireland. Moreover, the Irish authorities imply that this setup prevents potential double taxation in cases where a similar tax is levied at the airport where the journey begins. As for the use of a fixed tax rate instead of a proportion of the ticket price, it stems from the fact that the tax is an excise duty. Apart from being administratively burdensome, using a percentage of the ticket price would open up for circumvention since airlines would then strive to reduce fares while raising revenues via ancillary fees. With respect to the lower tax rate for shorter routes (applicable until 1 March 2011), the Irish authorities explained that it was based on the fact that the prices are normally lower for closer destinations. They also questioned that Aer Arann would be favoured by the lower rate, since also the complainant was active on an important part of the routes to which the lower rate applied. Therefore, the Irish authorities do not see how the fact that there is a lower rate for shorter routes would constitute State aid to Aer Arann and Aer Lingus.

At the determination of whether the alleged measures constitute State aid, the main issue in this case is whether the selectivity criterion is fulfilled, i.e. whether the measures favour certain undertakings which are in a legal and factual situation that is comparable in the light of the objective pursued by the measures in question.

Other modes of transport than air transport are in different legal, regulatory and taxation systems than air transport. They are also in a different factual situation than operators of air transport. Therefore, the exclusion of other modes of transport from the tax is not selective.

Since operators of cargo transport are active in a different business with a different type of customers and cargo transport and passenger transport is not substitutable services, such operators are not in the same factual situation as operators of air passenger transport. The exclusion of cargo traffic from the tax can thus not be considered to be selective.

With regard to the non-application of the tax for transfer and transit passengers, it is in the logic and nature of the tax system and thus not selective. The aim is to levy the tax on the basis of the distance between the destination of the start of the journey and the end thereof. The non-application of the tax for transfer and transit passengers is logic, since it results in passengers being taxed the same way independently of the route travelled (instead of being taxed for both the first and the second leg of the journey). In addition, the avoidance of double taxation justifies that transfer and transit passengers are not covered by the tax.

As for the use of fixed tax rates instead of a percentage, it should be noted that the Member States are entitled to choose between fixed and proportional rates. Excise duties like the tax at hand are typically specific per unit and thus not like sales taxes set in proportion to value. By nature, fixed amounts represent a higher part of lower total prices. However, the difference between higher and lower prices is left untouched. It therefore does not seem that traditional airlines would have an advantage in comparison with low-cost carriers. Moreover, a tax that is proportional with the ticket price could encourage companies to reduce fares and at the same time increase transaction or ancillary costs.

Concerning the different tax rates applicable from 30 March 2009 to 1 March 2011, the Commission pointed out in a Staff working paper that no discrimination could be made between national and intra-Community flights. According to Commission decisional practice, such differentiation should be considered as selective if there is no logic reason therefore. This has also been clearly set out by the Court. The argument by the Irish authorities that longer distance flights are more expensive and a higher charge could thus be raised without being disproportional in relation to the price is not valid since the price of tickets to domestic destinations is not necessarily (essentially) lower than the ones of flights to other EU destinations. It therefore seems that the lower tax rate provides a selective advantage for undertakings within the reference system. Since also the other criteria in Article 107(1) of the TFEU are fulfilled, the measure constitutes State aid.

In conclusion, neither the exclusion of cargo transport and other transport means that air transport, nor the non-application of the tax on transfer and transit passenger traffic constitute State aid within the meaning of Article 107(1) of the TFEU. The use of a fixed rate as opposed to a percentage of the ticket price does not either result in State aid. However, the application of a lower domestic rate between 30 March 2009-1 March 2011 seems to constitute State aid for which there are doubts about the compatibility with the internal market.

In accordance with Article 14 of Council Regulation (EC) No 659/1999, all unlawful aid can be subject to recovery from the recipient.

TEXT OF LETTER

1. PROCEDURE

- (1) By letter of 21 July 2009, registered at the Commission the following day under number CP 231/2009, the Commission received a complaint from an airline operator regarding alleged unlawful and illegal State aid measures, which were in place in Ireland.
- (2) By letter of 28 July 2009, the Commission forwarded the complaint to the Irish authorities and asked for their position on the claims brought forward therein.
- (3) By letter of 26 August 2009, the Irish authorities asked for an extension of the deadline to reply, which the Commission accepted in letter of 3 September 2009.
- (4) On 15 October 2009, the Irish authorities responded to the letter of the Commission. Their reply was registered at the Commission on the same day.
- (5) Since the alleged aid had been implemented without prior notification to the Commission, the case was registered as a non-notified measure, 11/NN.

2. DESCRIPTION OF THE ALLEGED AID

2.1. The Irish Air Travel Tax

- (6) As of 30 March 2009, the Irish authorities introduced an excise duty on air passenger transport. The national legal basis for the tax is Section 55 of the Finance (No 2) Act 2008, which introduces an excise duty referred to as the "air travel tax" which the airlines operators are liable to pay in respect of "every departure of a passenger on an aircraft from an airport" located in Ireland. While the tax *in fine* is intended to be passed on to the passengers via the ticket price, it is thus the airline operators that are liable to pay the tax.
- (7) At the time of the introduction of the tax, it was levied on the basis of the distance between the airport where the journey began and the airport where the journey ended, at the rate of (i) EUR 2 in the case of a journey from an airport to a destination located no more than 300 km from Dublin airport; and (ii) EUR 10 in any other case.
- (8) Following an investigation by the Commission regarding a possible infringement of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community⁽¹⁾ and the Treaty provisions on free provision of services, the rates were changed as of 1 March 2011 so that a single tax rate of EUR 3 is applicable to all departures, regardless of the distance travelled.

- (9) In the legal basis, a passenger is defined as a person other than a member of the crew of the aircraft travelling on an aircraft, but the definition explicitly excludes transfer and transit passengers. A *transfer passenger* is defined as a passenger who arrives on a flight to an airport and who departs from the airport on a further flight, other than to the airport where the passenger's journey originated, where both flights are part of a single booking and where the length of time between the scheduled time of arrival of the flight to the airport and the scheduled time of departure of the flight from that airport is maximum six hours. A *transit passenger* is a passenger who is on board an aircraft which lands at an airport in the course of its journey and who continues his or her journey on that aircraft. This means effectively that transfer and transit passengers fall outside of the scope of the tax.

Examples: New York–Shannon– Dublin	Tax payable: EUR 0
New York–Dublin	Tax payable: EUR 0
Dublin–Shannon– New York	Tax payable: EUR 10
Dublin–New York	Tax payable: EUR 10

- (10) Since the taxable event is the departure of a *passenger on an aircraft*, cargo flights and other modes of transport fall outside of the scope of the tax.

2.2. Alleged illegal and unlawful State aid

- (11) First, the complainant argues that the non-application of the tax to cargo transport results in State aid to cargo operator Aer Lingus and to Dublin Airport Authority (DAA), which manages, operates and develops Dublin, Cork and Shannon airports, and manages domestic and international airport retail and airport investment.
- (12) Second, the complainant claims that the non-application of the tax to maritime services and rail transport results in State aid to operators in these sectors.
- (13) Third, it is claimed that the non-application of the tax to transfer and transit passengers and cargo flights constituted illegal and incompatible State aid granted to DAA and to Air Lingus and Air Arann, since these undertakings have a relatively high proportion of such passengers and flights.
- (14) Fourth, according to the complaint, the use of fixed tax rates (as opposed to the use of a tax that is proportional to the ticket price) imposes a proportionally heavier charge on low fare passengers and discriminate against the business models used by low-cost carriers, which are based on small margins and high numbers of passengers in order to maximise revenues from ancillary services. Therefore, low-cost carriers cannot pass the full cost of the tax on to their passengers.

⁽¹⁾ OJ L 293, 31.10.2008, p. 3.

(15) Fifth, the complainant claims that the differentiated tax rates favour Aer Arann since 50 % of the passengers carried by that airline travel to destinations located at less than 300 km from Dublin airport.

(16) The complainant estimates that the aid provided to DAA, Aer Lingus and Aer Arann stemming from the exemptions of cargo traffic, transfer and transit passengers and the lower tax rate for shorter flights in total amounts to at least EUR 50 million per year.

2.3. The opinion of the Irish authorities

(17) According to the Irish authorities, the use of a fixed tax rate instead of a proportion of the ticket price stems from the fact that the tax is an excise duty and, as such, a fixed amount. Apart from being administratively burdensome, using a percentage of the ticket price would open up for circumvention since airlines would then strive to reduce fares while raising revenues via ancillary fees (credit card handling, online check-in, baggage handling, charging for sports equipment carried, etc.).

(18) As to the lower tax rate for shorter routes, the Irish authorities explained that it was based on the fact that the prices are normally lower for closer destinations. They pointed out that there is only one domestic route on which the complainant and Aer Arann compete. On that route, close to 40 % of the flights are operated by the complainant. For routes abroad benefiting from the lower rate (western UK), the complainant operates more than 40 % of the scheduled flights, while Aer Arann and Aer Lingus have smaller shares. Therefore, the Irish authorities do not see how the fact that there is a lower rate for shorter routes would constitute State aid to Aer Arann and Aer Lingus.

(19) With respect to the non-imposition of the tax on cargo flights and other modes of transport than air transport, the Irish authorities argue that this is due to the relatively simple application of the tax. Taxation policy is not designed to fit with any particular individual business model. Any operator of cargo service or other modes of transport than air transport would fall outside of the scope of the tax for the provision of such services.

(20) As to the non-application of the tax on transfer and transit passengers, the Irish authorities state that the fact that any first leg of an overall journey is not subject to the tax ensures that the passenger is not punished because a route includes a stopover in order to get to the final destination. The Irish authorities furthermore indicate that other countries with air passenger taxes, such as the United Kingdom, normally exclude transfer and transit passengers from the scope of the tax.

(21) Therefore, in the opinion of the Irish authorities, the tax and its non-applicability in respect of cargo transport and other means of transport than air transport and of certain categories of passengers does not amount to aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union (hereinafter the "TFEU").

Neither do the use of a fixed tax rate and the differentiated tax rates in force between 30 March 2009 and 1 March 2011.

3. ASSESSMENT

3.1. Existence of aid under Article 107(1) of the TFEU

(22) By virtue of Article 107(1) of the TFEU, "any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market".

(23) In order to be caught by Article 107(1) of the TFEU, a measure must thus be selective⁽¹⁾. The Court has held that that Article requires assessment of whether, under a particular legal regime, a national measure is such as to favour "certain undertakings or the production of certain goods" in comparison with others which, in the light of the objective pursued by that regime, are in a comparable factual and legal situation⁽²⁾.

(24) The selective advantage may derive from an exception to the tax provisions of a legislative, regulatory or administrative nature or from a discretionary practice on the part of the tax authorities. However, the selective nature of a measure may be justified by "the nature or general scheme of the system"⁽³⁾. The Commission must therefore examine whether such exemptions are justified by the nature or the general principles of the tax system in the Member State. If that is the case, the measure is not considered to be aid within the meaning of Article 107(1) of the TFEU.

(25) According to established case-law⁽⁴⁾, a fiscal measure is selective if it constitutes a departure from the normal application of the general tax framework. First, the Commission therefore has to identify the relevant tax system of reference.

(26) As regards taxation, the Commission notes that, in principle, the definition of the system of taxation falls within the exclusive competence of the Member States.

⁽¹⁾ See Case C-66/02 (*Italy v Commission*) [2005] ECR I-10901, paragraph 94.

⁽²⁾ See, for example, Cases C-143/99 (*Adria-Wien Pipeline and Wietersdorfer & Peggauer Zementwerke*) [2001] ECR I-8365, paragraph 41; C-308/01 (*GIL Insurance and Others*) [2004] ECR I-4777, paragraph 68; and C-172/03 (*Heiser*) [2005] ECR I-1627, paragraph 40; C-88/03 (*Portugal*) [2006] ECR I-7115, paragraph 54; C-172/03 (*Wolfgang Heiser v Finanzamt Innsbruck*) [2005] ECR I-1627, paragraph 40; and C-169/08 (*Presidente del Consiglio dei Ministri v Regione Sardegna*) [2009] ECR I-10821, paragraph 61.

⁽³⁾ See, for example, Case 173/73 (*Italy v Commission*) [1974] ECR 709, as well as point 13 et seq. of Commission Notice on the application of the State aid rules to measures relating to direct business taxation (OJ C 384, 10.12.1998, p. 3).

⁽⁴⁾ See, for example, the judgments in the mentioned Case C-88/2003 (*Portugal*), paragraph 56, and in Case C-487/08 P (*British Aggregates*) [2008] ECR I-10505, paragraphs 81-83.

In designing its taxation system, the Irish authorities chose, on the one hand, to define the taxable event of the air travel tax as the departure of a passenger from an airport situated in Ireland. The taxation legislation at hand aims at regulating the payment of duties on passengers departing on a plane from an airport located in Ireland. In the case at hand, the Commission considers the system of reference to be the taxation of air passengers departing from an airport situated in Ireland.

- (27) The objective of the system of reference is to tax passengers departing on a plane from an airport located in Ireland in order to raise revenue for the State budget.
- (28) First, *other modes of transport* than air transport fall outside of the reference system. Different legal, regulatory and taxation systems apply to different modes of transport. For example, aviation fuel is exempted from fuel taxation⁽¹⁾ and, as from 1 January 2012, the aviation sector will, contrary to some other modes of transport, be included in the EU Emission Trading Scheme⁽²⁾. It is therefore impossible to identify one single reference tax system that would apply to all modes of transport. Differences in the legal (regulatory) and factual situations of operators of various modes of transport can also justify the application of different tax systems (e.g. security and safety regulations are different, traffic management systems are different and the support for and need for infrastructure varies). Therefore, the Commission finds that other modes of transport than air transport are not to be included in the reference system for the air passenger taxes subject to assessment. The air travel tax can thus not be considered to provide the maritime and rail sectors with a selective advantage.
- (29) With respect to *cargo operations*, the Commission notes that some legislative systems cover both air passenger and cargo transport⁽³⁾, while other systems are separate for the two types of transport⁽⁴⁾. However, cargo traffic is a different business with a very different customer base. Also, from the view of the final consumer, the service provided by cargo operators is not substitutable to the one provided by operators in the passenger air transport market. Since cargo operators are not in the same factual

situation as operators in the air passenger transport market, the fact that they are excluded from the scope of the reference system cannot be considered to provide them with a selective advantage.

- (30) On the contrary, *transfer and transit passengers* are passengers departing from an Irish airport and thus would appear to be part of the reference system. The non-application of the taxes on such passengers constitutes a derogation from that system. In accordance with the selectivity analysis set out by the Court, it must however be determined whether the exemption derives directly from the basic or guiding principles of the tax system in the Member State. In this context, the Irish authorities referred to reasons of neutrality from the perspective of the passenger, who cannot always determine itself the route to its final destination. That would also be the reason why countries with similar taxes normally exclude such passengers.
- (31) In this regard the Commission recalls that when it examined the possible establishment of a European flight tax in 2005, the Commission services provided some guidance about the feasibility of such taxes. In a 2005 staff working paper⁽⁵⁾, the Commission pointed out the specific attention required by the issue of passengers in transit and of connecting flights. The Commission recommended the exclusion of transfer and transit passengers for tax neutrality reasons. Moreover, an exclusion of such passengers would avoid the risk of double taxation in the event that the airport of departure, situated in another Member State, levies a similar tax. The non-imposition of the tax on transfer and transit passengers allows different systems of air ticket taxes to coexist in the absence of tax harmonisation.
- (32) The objective and structure of the travel tax system is to tax passengers departing on a plane from an airport located in Ireland in order to raise revenue for the State budget. If the tax was to be levied on transfer and transit passengers, the airline operator may have to pay the tax twice for a journey with a stopover. It therefore seems that the non-application of the tax on transfer and transit passengers, which results in passengers being taxed the same way independently of the route travelled, falls within the nature and logic of the relevant tax systems. In addition, the avoidance of double taxation justifies that transfer and transit passengers are not covered by the tax. Consequently, the Commission finds that the non-imposition of the tax on transport of transfer and transit passengers is in the nature and logic of the system and is, thus, not selective.
- (33) With respect to the use of *fixed tax rates* instead of a percentage of the ticket price, it should be noted that the Member States, as part of their exclusive competence in designing their tax systems, are entitled to choose between fixed and proportional rates. By nature, fixed

⁽¹⁾ For example, Article 14(b) of Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51) sets out that Member States shall exempt energy products supplied for use as fuel for air navigation other than private pleasure-flying from taxation.

⁽²⁾ See Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.1.2009, p. 3).

⁽³⁾ For example, as mentioned, the EU Emission Trading Scheme will as from 2012 apply to the entire aviation industry.

⁽⁴⁾ For example, while cargo transport is covered by VAT, this is not the case for passenger transport (see, for example, Article 371 (Annex X, Part B, point 10) of Council Directive 2006/112/EC of 28 November 2006 on the common system for value added tax (OJ L 347, 11.12.2006, p. 1), and Article 2(1)(c) of the same Directive according to which VAT should be levied on cargo transport).

⁽⁵⁾ Commission staff working document, 1.9.2005, SEC(2005) 1067.

amounts represent a higher part of lower total prices. However, the difference between higher and lower prices is left untouched. The Commission therefore thinks that traditional airlines do not have an advantage in comparison with low-cost carriers. Moreover, as mentioned by the Irish authorities, proportional taxes could encourage companies to reduce fares and at the same time increase transaction or ancillary costs in order to circumvent the tax. Therefore, the Commission does not consider the use of fixed tax rates *per se* to be selective.

- (34) As regards the period between 30 March 2009 and 1 March 2011, the Commission observes that the air travel tax system provided for two *different rates*: one general or normal rate applicable to nearly all flights and a reduced rate for journeys from an airport to a destination located no more than 300 km from Dublin airport. The Commission finds the normal rate to constitute part of the reference system, while the reduced rate, that is applicable to a well delimited category of flights, appears to be an exception from the reference system. The reduced rate does not seem to be justified on the basis of the distance between the beginning and the final destination of the journey. First, it is not applicable on the basis of the actual length of the journey, but on the basis of the distance between Dublin airport and the destination. Second, the structure and objective nature of the tax does not appear to be related to the distance of the journey, but with the fact of departing from an Irish airport. The connection with the fiscal authority, the taxable event and the externalities for the Irish society of passengers departing from an Irish airport is precisely the same regardless of the destination of the flight. Airline operators are also in the same legal and factual situation with regard to this objective. Moreover, the tax system is not characterised by an articulated differentiation in the tax level in relation to the flights distance, but it fixes only two rates: one for very short distance flights from Dublin airport and the other for all other flights. This criterion favours flights within Ireland and to certain western parts of the United Kingdom and, consequently, it discriminates between national and intra-Community flights. As pointed out in the mentioned Staff working paper, that several rates could be introduced, but that no discrimination could be made between national and intra-Community flights⁽¹⁾. Such differentiation should be considered as selective if it is not within the nature or general scheme of the system. This has also been set out by the Court⁽²⁾, which has stated that “since airport taxes directly and automatically influence the price of the journey, differences in the taxes to be paid by passengers will automatically be reflected in the transport cost, and thus, [...], access to domestic flights will be favoured over access to intra-Community flights”. In the case at hand, the Irish authorities argued that longer distance flights are more expensive and a higher charge could thus be raised without being disproportional in relation to the price. The Commission finds that the price of tickets to domestic destinations is not necessarily lower than the ones of flights to other EU

destinations. The lower tax rate does therefore not appear to be justified by the nature or the general scheme of the air travel tax and is therefore a selective measure.

- (35) The fact that the Irish authorities allowed a lower tax rate than the normal one to be applied results in a loss of tax revenue for the State and is therefore financed from State resources. Since such relief is decided upon by the national authorities, it is imputable to the State. The airline operators benefiting from the lower rate are undertakings that compete on markets that are open for competition and the reduced rate therefore distorts or threatens to distort competition on the internal market and is likely to affect trade between Member States.
- (36) Since all criteria in Article 107(1) of the TFEU seem to be fulfilled, the measure appears to constitute State aid to airline operators that have operated the routes benefiting from the reduced rate. It seems moreover that those routes are essentially operated by Irish air carriers (Air Lingus, Air Arann and Ryanair). Therefore, the Commission has to verify whether the reduced rate has been a means for the Irish authorities to provide an advantage to national air carriers compared to other EU operators.
- (37) Consequently, the Commission does not consider that the exclusion of cargo traffic and of transport of transfer and transit passengers from the scope of the tax results in State aid within the meaning of Article 107(1) of the TFEU. Neither is the use of fixed tax rates caught by that Article.
- (38) On the contrary, it appears that the lower tax rates applied in the case of a journey from an Irish airport to a destination located no more than 300 km from Dublin airport between 30 March 2009 and 1 March 2011 constitute State aid to air carriers operating the routes that have benefited from that lower rate.

3.2. Compatibility of the aid with the TFEU

- (39) According to Article 107(3)(c) of the TFEU, aid may be considered to be compatible with the internal market if it aims at facilitating the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest. The aid does not appear to fall within the scope of any guidelines for compatibility of State aid issued by the Commission in this context. As it appears to constitute an operating aid that discriminates between flights within the EU, it cannot be considered to be compatible directly under Article 107(3)(c) of the TFEU. Therefore, the Commission has doubts as to the compatibility of the aid under that Article.
- (40) The aid in question does not either fall within any other exemption specified in Article 107(2) or 107(3) of the TFEU.

⁽¹⁾ Commission staff working paper, 1.9.2005, SEC(2005) 1067, p. 5.

⁽²⁾ See, for example, Cases C-92/01 (*Georgios Stylianakis v Elliniko Dimosio*) [2003] ECR I-1291, paragraph 28; and C-70/99 *Commission v Portugal* [2001] ECR I-4845, paragraph 20.

(41) Consequently, the Commission has, at this stage, doubts as to the compatibility of the aid measure with the TFEU and in accordance with Article 4(4) of Regulation (EC) No 659/1999 ⁽¹⁾ the Commission has decided to open the formal investigation procedure, thereby inviting Ireland to submit its comments.

4. DECISION

(42) The Commission has decided that the non-application of the air travel tax on cargo flights and other means of transport than air transport, as well as on transfer and transit passengers does not constitute State aid within the meaning of Article 107(1) of the TFEU. The Commission find that the use of a fixed rate as opposed to a proportion of the ticket price does not fall within the scope of that Article. However, the Commission finds that the use of a lower rate over the period 30 March 2009 to 1 March 2011 for flights within 300 km from Dublin airport seems to constitute State aid to the air carriers that have operated the routes benefiting from it and, at this stage, it finds no basis for compatibility thereof.

(43) In light of the foregoing considerations, the Commission, acting under the procedure laid down in Article 108(2) of the TFEU, requests Ireland to submit its comments and to provide all information that may help to assess the measure, within one month of the date of receipt of this letter. It requests your authorities to forward a copy of this letter to all recipients of the aid immediately.

(44) The Commission warns Ireland that it will inform interested parties by publishing this letter and a meaningful summary of it in the *Official Journal of the European Union*. It will also inform interested parties in the EFTA countries which are signatories to the EEA Agreement, by publication of a notice in the EEA Supplement to the *Official Journal of the European Union* and will inform the EFTA Surveillance Authority by sending a copy of this letter. All such interested parties will be invited to submit their comments within one month of the date of such publication.'

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

Prior notification of a concentration**(Case COMP/M.6289 — Alstom/Bouygues Immobilier/Exprimm SAS/Embix JV)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2011/C 306/10)

1. On 11 October 2011 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Alstom Holdings (France), a member of the French group Alstom, and the undertakings Bouygues Immobilier SA ('Bouygues Immobilier', France) and Exprimm SAS ('Exprimm', France), two subsidiaries of the French Bouygues group, acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Embix SAS ('Embix', France) by means of the purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are:
 - Alstom Holdings: the holding of shares in the Alstom Group companies engaged in the construction of plant and the provision of transport services, together with energy production and transmission,
 - Bouygues Immobilier: real estate development and the provision of housing, eco-districts, business parks and urban planning activities,
 - Exprimm: the provision of buildings infrastructure management services and multi-technology maintenance services,
 - Embix: the provision of intelligent energy management services to large business parks and eco-districts.
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.6289 — Alstom/Bouygues Immobilier/Exprimm SAS/Embix 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').

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

OTHER ACTS

EUROPEAN COMMISSION

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

(2011/C 306/11)

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 of the date of this publication.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006**'VADEHAVSLAM'****EC No: DK-PGI-0005-0771-25.03.2009****PGI (X) PDO ()****1. Name:**

'Vadehavslam'

2. Member State or third country:

Denmark

3. Description of the agricultural product or foodstuff:**3.1. Product type:**

Class 1.1. Fresh meat (and offal)

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

'Vadehavslam' is carcasses and cuts of lamb born and reared in the specified geographical area.

The sheep are of the Texel breed or crosses of Texel with other breeds (other breeds: sometimes, when a ewe has its first lamb, the Texel breed is paired with rams of the Suffolk or Gotland pelt sheep breeds) that have traditionally been used on the salt meadows.

The aim of breeding efforts over the years has been to produce a sheep which is not only suited to its habitat, but which also produces large, meaty lambs. This, together with the grass on which the lambs graze in the salt meadows, sets these lambs apart from lamb produced in other parts of the country.

Quality requirements of lamb:

Slaughter weigh: 19-25 kg

Shape: min. 6

Colour: 3-4

Fatness: 1-2-3

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

The time of slaughter (age of the lamb when slaughtered) depends on its weight, which must be between 19 kg and 25 kg. In addition, the undertaking responsible for the slaughter must visually identify the fat content in the slaughterhouse. (A notification was previously used for lambs, similar to the one used by Danish Crown for bovine animals. The notification is no longer used for lambs, which is why the undertaking responsible for slaughter has to visually identify the fat content in the slaughterhouse).

3.3. *Raw materials:*

—

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

In winter at least 50 % of the animals' feed must be produced in the defined area. In the winter months the lambs feed on grass, maize, silage and, in the last part of the feeding period, on hay supplemented with barley.

The animals must graze in the salt meadows and the foreland of the specified geographical area for at least 4,5 months per year.

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

— The lambs must be born and reared in the specified geographical area.

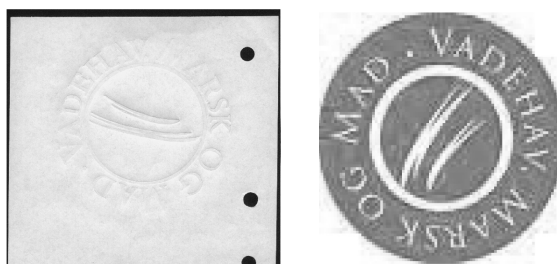
3.6. *Specific rules concerning slicing, grating, packaging, etc.:*

—

3.7. *Specific rules concerning labelling:*

All slaughtered animals are stamped with Vadehav, Marsk og Mad's logo.

The logo must be marked on the packaging of the final product and must be stamped on the slaughtered animal to ensure traceability.



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

The geographical area is the Wadden Sea region of south-west Denmark. The Wadden Sea region comprises the three islands of Romø, Mandø and Fanø, as well as the mainland, where the Danish Wadden Sea region is delimited in the south by the German border. The boundary to the north is identical to the northern boundary of the Wadden Sea National Park. The area is delimited to the east by the A11 motorway.

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

5.1. *Specificity of the geographical area:*

Ribe was founded in around 710 as a trading post, and archaeological digs have revealed the goods sold there. Some of the products found on the market at an early stage were mutton and lamb. The sheep and lambs were from the villages in the salt meadows along the Wadden Sea, meaning the local farmers were rearing sheep and lambs as early as the Iron Age.

The production of 'Vadehavslam' (Wadden Sea lamb) builds on this time-honoured tradition of rearing sheep and lambs in the salt meadows. Each year the area was hit by storm floods which flooded the farmland. The sea left behind fertile silt, thereby creating lush meadows in the salt marshes where the animals grazed in the summer, and where winter fodder could be gathered.

In the article 'Jordbundsundersøgelser i marsken' (Soil Surveys in the Salt Meadows) from the *Tidsskrift for planteavl* (Plant Breeding Journal) of 1968, Lorens Hansen looks at soil samples taken only from the salt meadows. The article states that the soil of the salt meadows is naturally very rich in potassium, which corresponds to the high clay content and means of formation. In normal arable land the sodium content is seldom determined because it is very low, with no impact on the soil structure. A very high sodium content is often found in the soil of the salt meadows due to the sea salt deposited when the meadows were created.

The hardy grasses that thrive in the salt meadows are rich and not particularly well suited to conventional agriculture, but are almost ideal for grazing. The hardy grasses which thrive in the salt meadows are rich in nutrients but also able to withstand different types of weather. In fact it is the harsh, salty impact of the Wadden Sea that makes the grazing in the area unique. The following plants and grasses are found in particular on the foreland:

- fine grass, small self-sown white clover, bird's-foot trefoil, yellow rattle, buttercups and thrift flourish furthest in towards the dykes,
- sea lavender, sea arrowgrass and some rough grass grow in the lower-lying area,
- sea meadow grass and glasswort grow in the furthest/lowest part of the foreland.

5.2. Specificity of the product:

The lambs are bred to be able to live in the harsh surroundings of the salt meadows and on the foreland. Breeding has also resulted in larger, more meaty lambs with a lean meat structure. 'Vadehavslam' has a distinctive salty taste.

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

The harsh surroundings and the special farming conditions are very demanding of the farmers that produce lamb in the Wadden Sea region. Local farmers draw on their knowledge and experience to produce strong, hardy lambs in the conditions created by nature along the Wadden Sea.

The lambs are large and meaty; their meat has a distinctive salty taste due to the special conditions for growth in the area. When the land is flooded with seawater, salt and minerals are deposited in the soil. The lambs graze on the salty meadows, where the high potassium and sodium content in the grasses affects the taste of the lamb's meat, giving the 'Vadehavslam' its special quality and distinct salty taste.

'Vadehavslam' has for many years been a well-known product throughout Denmark.

The production of 'Vadehavslam' is described in tourist brochures on the Wadden Sea region and the Wadden Sea National Park as an important characteristic of the area.

Reference to publication of the specification:

http://www.foedevarestyrelsen.dk/SiteCollectionDocuments/25_PDF_word_filer%20til%20download/06kontor/Maerkning/Oprindelsesmaerkning_af_foedevare/Varespecifikation%20for%20Vadehavslam.pdf

2011 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 100 per year
EU Official Journal, L + C series, paper + annual DVD	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 770 per year
EU Official Journal, L + C series, monthly DVD (cumulative)	22 official EU languages	EUR 400 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, DVD, one edition per week	multilingual: 23 official EU languages	EUR 300 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual DVD.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our sales agents. The list of sales agents is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>

