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Price:
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III

(Preparatory acts)

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 27 November 2012

on various draft regulatory and implementing technical standards submitted by the European Securities and Markets Authority to the Commission to be adopted by means of Commission delegated and implementing regulations supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories

(CON/2012/95)

(2013/C 60/01)

Introduction and legal basis

On 8 November 2012, the European Central Bank (ECB) received a request from the Commission for an opinion on the draft regulatory technical standards (hereinafter the 'draft RTS') and draft implementing technical standards (hereinafter the 'draft ITS') submitted by the European Securities and Markets Authority (ESMA) to the Commission and to be adopted in accordance with Articles 10 to 15 of Regulation (EU) No 1095/2010 ⁽¹⁾ by means of:

- (a) a Commission delegated regulation (EU) No .../... supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, risk mitigation techniques for OTC derivatives contracts not cleared by a CCP (hereinafter the 'draft RTS on clearing obligation and risk mitigation');
- (b) a Commission delegated regulation (EU) No .../... supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 with regard to regulatory technical standards on colleges for central counterparties (hereinafter the 'draft RTS on colleges for central counterparties');
- (c) a Commission delegated regulation (EU) No .../... supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 with regard to regulatory technical standards on requirements for central counterparties (hereinafter the 'draft RTS on requirements for central counterparties');
- (d) a Commission delegated regulation (EU) No .../... supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories (hereinafter the 'draft RTS on the minimum details of data to be reported to trade repositories');
- (e) a Commission delegated regulation (EU) No .../... supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made

⁽¹⁾ OJ L 331, 15.12.2010, p. 84.

available by trade repositories and operational standards for aggregating, comparing and accessing the data (hereinafter the 'draft RTS on the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data');

- (f) a Commission implementing regulation (EU) No .../... laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (hereinafter the 'draft ITS on the format and frequency of trade reports to trade repositories')

(collectively referred to as the 'draft regulatory and implementing standards').

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 the draft regulatory and implementing standards contain provisions affecting, in particular, the task of the European System of Central Banks (ESCB) to promote the smooth operation of payment systems, as well as its contribution to the smooth conduct of policies relating to the stability of the financial system, its conduct of foreign-exchange operations and its holding and management of the official foreign reserves of the Member States, as referred to in Article 127(2) and (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.

1. **General observations**

- 1.1. On 13 January 2011, the ECB issued Opinion CON/2011/1 on a proposal for a regulation of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories ⁽¹⁾ in which it highlighted, *inter alia*, that central banks have a statutory role and responsibilities to safeguard financial stability as well as for the safety and efficiency of financial infrastructures. The final text of Regulation (EU) No 648/2012 has accordingly emphasised the role of the ESCB in promoting the smooth operation of payment systems and requires ESMA to develop draft technical standards in close cooperation with the ESCB ⁽²⁾.
- 1.2. The ECB has been very closely involved in ESMA's work on the technical standards in respect of central counterparties and trade repositories and welcomes ESMA's cooperation in taking most of the ECB's comments into account in the draft regulatory and implementing standards. Generally, the ECB is supportive of ESMA's final draft technical standards and considers them well balanced and in line with the CPSS-IOSCO Principles for financial market infrastructures ⁽³⁾. Nevertheless, the ECB wishes to comment on and suggest amendments in relation to some of the most crucial issues, including the issues relevant to the ECB where Regulation (EU) No 648/2012 does not require the ESCB to be involved in ESMA's preparatory work.

2. **Specific observations**

- 2.1. The ECB welcomes the provision of the draft RTS on clearing obligation and risk mitigation ⁽⁴⁾ which specifies the elements ESMA should take into consideration in order to assess the degree of standardisation of the contractual terms and operational processes of the relevant class of OTC derivatives subject to clearing. Indeed, this provision adds clarity to the concept of 'standardisation' itself. This is essential in order to improve the transparency of OTC derivatives markets, reduce systemic risk and improve financial stability, as advocated by the G20 leaders ⁽⁵⁾. Nonetheless, it is important to ensure that the focus on standardisation of contractual terms does not offer incentives for market participants to refrain from the process of contractual standardisation, in order to avoid introducing a mandatory

⁽¹⁾ OJ C 57, 23.2.2011, p. 1.

⁽²⁾ See recital 11 and Articles 26(9), 34(3), 41(5), 42(5), 44(2), 45(5), 46(3), 47(8), 49(4), 54(4), 81(5) of Regulation (EU) No 648/2012.

⁽³⁾ Available at the website of the Bank for International Settlements at: <http://www.bis.org>

⁽⁴⁾ Article 6.

⁽⁵⁾ See, in particular, the G20 Toronto Summit Declaration of 26 and 27 June 2010 available at: <http://canadainternational.gc.ca>

clearing obligation. In this respect, the ECB also emphasises ESMA's mandate to: (a) monitor the activity in derivatives which are not eligible for clearing, in order to identify cases where a particular class of derivatives may pose systemic risk; and (b) prevent regulatory arbitrage between cleared and non-cleared derivative transactions ⁽¹⁾.

- 2.2. Further, the ECB notes that Article 1(4) of Regulation (EU) No 648/2012 provides that the Regulation should not apply to: (a) the members of the ESCB; (b) other Member States' bodies performing similar functions; and (c) other Union public bodies charged with or intervening in the management of the public debt which includes both clearing and reporting obligations ⁽²⁾. However, requiring the counterparties of the members of the ESCB to report all data on their transactions to the trade repositories would limit the effectiveness of the above exemption. To prevent Regulation (EU) No 648/2012 from limiting the power of ESCB members to perform their tasks of common interest, it is crucial that, in particular, the books of ESCB members are protected and that signalling based on central bank operations remains effective. This could be most effectively ensured if not only ESCB members are exempt from the obligation to report on their derivatives transactions, but also ESCB members' counterparties to those transactions.
- 2.3. The ECB notes that cash deposits made through standing deposit facilities or other comparable means provided for by a central bank may be denominated either in the currency issued by that central bank (i.e. 'central bank money') or in another currency not issued by that central bank (i.e. 'commercial bank money') and therefore may have a different risk profile. This fact should be reflected in a central counterparty's investment policy by different treatment of such deposits and may have to be taken into account on the occasion of the next review of Regulation (EU) No 648/2012.

Where the ECB recommends that the draft regulatory and implementing standards are amended, specific drafting proposals are set out in the Annex accompanied by explanatory text to this effect.

Done at Frankfurt am Main, 27 November 2012.

The President of the ECB
Mario DRAGHI

⁽¹⁾ Articles 11(13) and 5(3) of Regulation (EU) No 648/2012.

⁽²⁾ Article 1(4) of Regulation (EU) No 648/2012.

ANNEX

Drafting proposals for the draft RTS on colleges for central counterparties

| Text submitted to the Commission by ESMA | Amendments proposed by the ECB ⁽¹⁾ |
|--|---|
| Amendment 1 | |
| Preamble | |
| <p>'Having regard to the Treaty on the Functioning of the European Union,</p> <p>Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories, and in particular Article 18(6), thereof,'</p> | <p>'Having regard to the Treaty on the Functioning of the European Union,</p> <p>Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories, and in particular Article 18(6), thereof,</p> <p>Having regard to the opinion of the European Central Bank (*)</p> <hr/> <p>(*) OJ C X, xx.xx.201x, p. xx.'</p> |

Explanation

In accordance with Article 296 of the Treaty, which provides that legal acts shall refer to any opinions required by the Treaties, the proposed amendment is necessary in order to reflect the fact that the draft delegated regulation is adopted in accordance with Articles 127(4) and 282(5) of the Treaty. These provisions contain the obligation to consult the ECB on any proposed Union act falling within its fields of competence ⁽²⁾.

Amendment 2

Article 8 (new)

| | |
|---------|---|
| No text | <p>'Crisis Management in emergency situations</p> <p>The procedures to address emergency situations shall reflect the responsibilities and information needs of the members of a college and shall include the necessary tools to allow for a timely, proportionate and effective communication during a crisis management process. As part of the procedures for emergency situations, a CCP's competent authority shall ensure that the college considers the establishment of the following tools:</p> <p>(a) standing crisis communication facilities;</p> <p>(b) minimum checklist of key issues to be communicated during a crisis;</p> <p>(c) regular testing of crisis management procedures.'</p> |
|---------|---|

Explanation

ESMA's Consultation paper (ESMA/2012/379) included some language with respect to emergency situations. In accordance with Responsibility E 'Cooperation with other authorities' of the CPSS-IOSCO Principles for financial market infrastructures, cooperation arrangements amongst authorities need to be effective not only in normal circumstances, but also during periods of market stress and crisis situations.

⁽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.

⁽²⁾ The ECB notes that each draft RTS and draft ITS to which amendments are proposed in this opinion should refer to this opinion.

Drafting proposals for the draft RTS on the minimum details of data to be reported to trade repositories

| Text submitted to the Commission by ESMA | Amendments proposed by the ECB | | | | | | | | |
|---|--|--|-------------------------------------|--|--------------------|----|----------------------|--|--|
| Amendment 3 | | | | | | | | | |
| Annex, Table 2, insert new section on credit derivatives following field 54 | | | | | | | | | |
| No text | <table border="1"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">‘Section 2h ⁽¹⁾ — Credit</th> <th style="width: 50%;">If a UPI is reported and contains all the information below, this is not required to be reported</th> <th style="width: 20%;">Credit derivatives</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">55</td> <td style="text-align: center;">Restructuring clause</td> <td style="text-align: center;">Indicates the type of restructuring clause</td> <td></td> </tr> </tbody> </table> <p>⁽¹⁾ Please note that subsequent sections and fields need to be renumbered.’</p> | | ‘Section 2h ⁽¹⁾ — Credit | If a UPI is reported and contains all the information below, this is not required to be reported | Credit derivatives | 55 | Restructuring clause | Indicates the type of restructuring clause | |
| | ‘Section 2h ⁽¹⁾ — Credit | If a UPI is reported and contains all the information below, this is not required to be reported | Credit derivatives | | | | | | |
| 55 | Restructuring clause | Indicates the type of restructuring clause | | | | | | | |

Explanation

From a financial stability and systemic risk analysis perspective, it is crucial to obtain information regarding the type of restructuring clauses of the outstanding credit default swap (CDS) contracts. This information allows the authorities to analyse the impact of a credit event on the CDS exposures of market participants more precisely and to understand which types of credit events would apply to certain CDS positions. Thus, the lack of this information would hinder the systemic risk analysis related to credit events.

Drafting proposals for the draft RTS on the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data

| | |
|---|---|
| Text submitted to the Commission by ESMA | Amendments proposed by the ECB |
| Amendment 4 | |
| Article 2(10) | |
| ‘10. A trade repository shall provide a relevant ESCB member with access to position data for derivatives contracts in the currency issued by that member.’ | ‘10. A trade repository shall provide a relevant ESCB member with access to transaction level data as well as position data for derivatives contracts in the currency issued by that member. If neither of the counterparties to the derivative contract is located in the jurisdiction of such ESCB member, the trade repository may provide such transaction level data without identifying the counterparties to the derivative. ’ |

Explanation

The current draft only provides for access to ‘position data’ for the central bank of issue. In order to fulfil its mandate under Article 127(2) and (5) of the Treaty, in particular regarding monetary policy, the smooth functioning of payment systems and financial stability, the ECB requires access to transaction level data with respect to derivatives contracts denominated in euro.

In this respect, the ECB has an interest in: (a) monitoring aggregate or individual payment flows affecting payment and settlement systems; (b) monitoring the liquidity of the euro; and (c) monitoring for speculative activity in that currency. This will be especially useful to assess the potential liquidity strains that may have an impact on the implementation of monetary policy. Position data will only provide data on outstanding amounts (‘stocks’), but not on flows, which are needed to conduct analysis on liquidity.

Furthermore, mandatory clearing will have a significant impact on market liquidity and payment flows. Access to transaction level data is therefore also needed to understand the market structure and liquidity resilience of the OTC derivatives market.

| | |
|---|--------------------------------|
| Text submitted to the Commission by ESMA | Amendments proposed by the ECB |
| <p>The Eurosystem will also need access to transaction level data in light of its role as a member of CCP colleges representing the central bank of issue. Given that the euro is by far the most important Union currency with respect to derivatives contracts, the ECB expects that the Eurosystem will be a member of a large number of CCP colleges.</p> | |

Drafting proposals for the draft ITS on the format and frequency of trade reports to trade repositories

| | |
|--|--------------------------------|
| Text submitted to the Commission by ESMA | Amendments proposed by the ECB |
|--|--------------------------------|

Amendment 5

Annex, Table 2, insert new section on credit derivatives following field 54

| No text | | | |
|--|------------------------------------|--|--------------------|
| | Section 2h ⁽¹⁾ — Credit | If a UPI is reported and contains all the information below, this is not required to be reported | Credit derivatives |
| | 55 | Restructuring clause Old R = Old Restructuring Mod R = Modified Restructuring Mod-Mod R = Modified Modified Restructuring No R = No Restructuring | |
| <p>⁽¹⁾ Please note that subsequent sections and fields need to be renumbered.</p> | | | |

Explanation

From a financial stability and systemic risk analysis perspective, it is crucial to obtain information regarding the type of restructuring clauses of the outstanding CDS contracts. This information allows the authorities to analyse the impact of a credit event on the CDS exposures of market participants more precisely and to understand which types of credit events would apply to certain CDS positions. Thus, the lack of this information would hinder the systemic risk analysis related to credit events.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

28 February 2013

(2013/C 60/02)

1 euro =

| Currency | Exchange rate | Currency | Exchange rate | | |
|----------|------------------|----------|---------------|-----------------------|-----------|
| USD | US dollar | 1,3129 | AUD | Australian dollar | 1,2809 |
| JPY | Japanese yen | 121,07 | CAD | Canadian dollar | 1,3461 |
| DKK | Danish krone | 7,4560 | HKD | Hong Kong dollar | 10,1830 |
| GBP | Pound sterling | 0,86300 | NZD | New Zealand dollar | 1,5810 |
| SEK | Swedish krona | 8,4475 | SGD | Singapore dollar | 1,6237 |
| CHF | Swiss franc | 1,2209 | KRW | South Korean won | 1 423,71 |
| ISK | Iceland króna | | ZAR | South African rand | 11,7550 |
| NOK | Norwegian krone | 7,4870 | CNY | Chinese yuan renminbi | 8,1720 |
| BGN | Bulgarian lev | 1,9558 | HRK | Croatian kuna | 7,5855 |
| CZK | Czech koruna | 25,637 | IDR | Indonesian rupiah | 12 702,12 |
| HUF | Hungarian forint | 295,80 | MYR | Malaysian ringgit | 4,0617 |
| LTL | Lithuanian litas | 3,4528 | PHP | Philippine peso | 53,427 |
| LVL | Latvian lats | 0,7007 | RUB | Russian rouble | 40,0833 |
| PLN | Polish zloty | 4,1515 | THB | Thai baht | 39,085 |
| RON | Romanian leu | 4,3588 | BRL | Brazilian real | 2,5871 |
| TRY | Turkish lira | 2,3580 | MXN | Mexican peso | 16,7554 |
| | | | INR | Indian rupee | 71,3860 |

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

COMMISSION DECISION**of 28 February 2013****appointing members and alternates of the Pharmacovigilance Risk Assessment Committee to represent healthcare professionals and patient organisations****(Text with EEA relevance)**

(2013/C 60/03)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽¹⁾, and in particular Article 61a(1) thereof,

Whereas:

- (1) Article 61a(1) of Regulation (EC) No 726/2004 requires that the Commission appoints representatives of healthcare professionals and patient organisations to the European Medicines Agency Pharmacovigilance Risk Assessment Committee.
- (2) In accordance with Article 61a(1) of Regulation (EC) No 726/2004, a public call for expression of interest has been undertaken by the Commission. The European Parliament has been consulted on the results of the evaluation of the applications received in the framework of this call for expression of interest.
- (3) The members and alternates of the Committee shall be appointed for a period of three years starting on 1 March 2013, which may be prolonged once,

HAS ADOPTED THIS DECISION:

Sole Article

1. The following are hereby appointed members and alternates of the Pharmacovigilance Risk Assessment Committee to represent healthcare professionals for a term of three years from 1 March 2013:

- Member: Filip Babylon,
- Alternate: Kirsten Myhr.

2. The following are hereby appointed members and alternates of the Committee to represent patient organisations for a term of three years from 1 March 2013:

- Member: Albert van der Zeijden,
- Alternate: Marco Greco.

Done at Brussels, 28 February 2013.

*For the Commission,
On behalf of the President,
Tonio BORG
Member of the Commission*

⁽¹⁾ OJ L 136, 30.4.2004, p. 1.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of the impending expiry of certain anti-dumping measures

(2013/C 60/04)

1. As provided for in Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 ⁽¹⁾ on protection against dumped imports from countries not members of the European Community, the Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping measures mentioned below will expire on the date mentioned in the table below.

2. Procedure

Union producers may lodge a written request for a review. This request must contain sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury.

Should the Commission decide to review the measures concerned, importers, exporters, representatives of the exporting country and Union producers will then be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request.

3. Time limit

Union producers may submit a written request for a review on the above basis, to reach the European Commission, Directorate-General for Trade (Unit H-1), N-105 8/20, 1049 Brussels, Belgium ⁽²⁾ at any time from the date of the publication of the present notice but no later than three months before the date mentioned in the table below.

4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 1225/2009.

| Product | Country(ies) of origin or exportation | Measures | Reference | Date of expiry ⁽¹⁾ |
|-------------|---------------------------------------|-------------------|--|-------------------------------|
| Citric acid | People's Republic of China | Anti-dumping duty | Council Regulation (EC) No 1193/2008 (OJ L 323, 3.12.2008, p. 1) | 4.12.2013 |
| | | Undertakings | Commission Decision 2008/899/EC (OJ L 323, 3.12.2008, p. 62) as amended by Commission Decision 2012/501/EU (OJ L 244, 8.9.2012, p. 27) | |

⁽¹⁾ The measure expires at midnight of the day mentioned in this column.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Fax +32 22956505.

Notice of the impending expiry of certain anti-dumping measures

(2013/C 60/05)

1. As provided for in Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, the Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping measures mentioned below will expire on the date mentioned in the table below.

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4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 1225/2009.

| Product | Country(ies) of origin or exportation | Measures | Reference | Date of expiry ⁽¹⁾ |
|----------------------|---------------------------------------|-------------------|--|-------------------------------|
| Monosodium glutamate | The People's Republic of China | Anti-dumping duty | Council Regulation (EC) No 1187/2008 (OJ L 322, 2.12.2008, p. 1) | 3.12.2013 |

⁽¹⁾ The measure expires at midnight of the day mentioned in this column.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Fax +32 22956505.

OTHER ACTS

EUROPEAN COMMISSION

Publication of an application pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(2013/C 60/06)

This publication confers the right to oppose the application pursuant to Article 51 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽¹⁾.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006**on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾****'QUESO LOS BEYOS'****EC No: ES-PGI-0005-0806-22.04.2010****PGI (X) PDO ()****1. Name:**

'Queso Los Beyos'

2. Member State or Third Country:

Spain

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

Class 1.3. Cheese

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

The Protected Geographical Indication 'Queso Los Beyos' covers cheese made from raw or pasteurised cow's, sheep's or goat's milk, without mixing them together, using lactic coagulation; it is matured for a minimum period of 20 days, or 60 if it is made from raw milk, and it must meet the product specifications and demonstrate all the characteristics listed below.

Physical characteristics

Shape: cylindrical, with flat faces or slightly concave.

Size: between 6 cm and 9 cm high, with a diameter of 9 cm to 10 cm.

Weight: from 250 g to 500 g.

Chemical characteristics

Dry matter: minimum 50 %

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12. Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

Fat content of the dry matter: minimum 45 %

Protein content of the dry matter: minimum 30 %

Organoleptic characteristics

Thin, coarse rind, varying in colour from creamy yellow to pale yellow or light brown, depending on the origin of the milk used, i.e. whether it is cow's, goat's or sheep's milk.

Hard to semi-hard paste, closed, no holes caused by fermentation and not many holes of mechanical origin, friable or crumbly when cut; white in colour for cheese made from goat's milk, marble or pale yellow in colour for cheese made from cow's or sheep's milk.

Firm texture, zero or very slight elasticity, medium to high friability.

Slight odour or mild aroma for cheese made from cow's milk, stronger odour or aroma for sheep's and goat's cheese which is mildly reminiscent of the species it originates from.

Mild flavour, which can be more intense in cheese made from sheep's milk, with light hints of sheep or goat in the respective cheese; slightly salty and lightly acidic, pleasant and well-balanced, with a fresh, milky aftertaste for cheese made from cow's milk and a more intense, long-lasting aftertaste for cheese made from sheep's and goat's milk.

3.3. Raw materials (for processed products only):

Cow's, sheep's or goat's milk; lactic ferments, calcium chloride, rennet and salt. These are the ingredients which were used in traditional cheese-making and are still used today.

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

—

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

All the cheese-making stages, including maturing, take place in the defined geographical area.

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

—

3.7. Specific rules concerning labelling:

Cheese which meets the requirements for marketing under the PGI label must also bear both the label of the cheese-maker in question (commercial label) and a numbered label as a guarantee of the product's identity; the numbered label must bear the words 'Indicación Geográfica Protegida' and 'Queso Los Beyos', as well as the PGI logo. The commercial label must indicate in capital letters the species of animal from which the milk used to make the cheese originates; the aim is to avoid misleading the consumer.

4. Concise definition of the geographical area:

The defined geographical area for the making and maturing of cheese under the PGI 'Queso Los Beyos' label consists of the municipalities of Oseja de Sajambre, Amieva and Ponga; Oseja de Sajambre is administratively part of the Autonomous Community of Castile-Leon and Ponga and Amieva are part of Asturias.

5. Link with the geographical area:

5.1. Specificity of the geographical area:

The geographical area has natural borders on all sides made up by mountains: the Cantabrian Mountains to the south; the foothills of the western massif of the Picos de Europa to the east; the Fontecha mountain range to the north and the Ponga hills to the west. These mountains have made the development of transport links with the area difficult as it is necessary to cross high mountain passes with difficult access.

However, within the area itself, although the rugged terrain is not without its difficulties, various paths and tracks have facilitated links between villages and allowed access to shared herds or flocks, which has resulted in an area with similar customs developing in an area with shared features, regardless of the administrative boundaries.

Approximately a third of the land is used for pastures which can be grazed throughout most of the year.

In general, there are different types of terrain which can be found in all three municipalities; first, at high altitudes, uneven rocky peaks with mountain pastureland (passes) interspersed between the rocks; second, at mid-altitudes, woodland, with a scattering of green pastureland; third, at low altitudes, hay meadows with clumps of trees.

The terrain in this area has undoubtedly played a vital role in the development of this unique type of cheese through the exploitation of surplus milk products resulting from a way of life with few alternatives for the local inhabitants. As already mentioned above, the great difficulties faced in the development of external transport links, even though the internal links between municipalities in the defined area were good, were instrumental in fostering close relations between local inhabitants who, for a certain period of every year, lived together with their flocks or herds in the passes, sharing a physical area and a way of life. This led to a common way of exploiting the resources available and thus to the production of Queso Los Beyos.

The characteristics of the land have also been essential in encouraging traditional production and flock or herd management based on (extensive) highly seasonal wood-pastureland activities, depending on the altitude and type of pastureland. A system of milk and meat exploitation led to two main activities: the breeding of young from each animal species and the making of cheese from surplus milk once the suckling young had been weaned.

Historically, flocks or herds became very specific in species, depending on the type of terrain, even within each municipality, which tended to favour one species over another; shepherds would thus keep flocks of sheep or herds of goats or cows but would rarely mix them and, consequently, the product obtained would be cheese made from cow's, sheep's or goat's milk but rarely from a mix of all three. This was one of the main factors in the development of this type of cheese.

The specificities of this area were indeed crucial in the development of the type of cheese; moreover, the cheese-making methods used by the local inhabitants of these villages, due to the specificities of the area, have also left their mark on the final product.

5.2. Specificity of the product:

The specificity of this product is immediately obvious in its external appearance, which is completely different from all the other types of cheese produced locally. 'Queso Los Beyos' is recognisable because it is a small cheese whose height is slightly less than its diameter. Its small size is not an accident: its size means that it can be drained and dried more quickly. This is an important factor as the whey has always been removed primarily during the mould stage; during this stage, the curd dries through gravity and is compressed by its own weight (self-compression). It is a method that is still used today to give the paste its specific texture and appearance. The special characteristics of this paste, i.e. closed and friable or crumbly when cut, are what makes this product unique. The flavour of the cheese made from cow's milk is mild, although it becomes more intense for the cheese made from sheep's or goat's milk, which is reminiscent of the species it originates from. They are all slightly acidic due to the cheese-making process, in particular the type of lactic coagulation used, which stops the flavour from becoming too strong.

There are several texts which highlight the traditional nature of this cheese made from cow's, sheep's or goat's milk, for example: in *Los quesos artesanales de Asturias (Traditional Asturian Cheese, 1985)*, we are told that 'Queso Los Beyos can be made from cow's, sheep's or goat's milk but local tradition dictates that they cannot be mixed together'; José A. Fidalgo Sánchez, in *Asturias, parada y fonda (Places to Stay in Asturias, 1988)*, says much the same thing; Enric Canut *et al* agree in *Quesos (Cheese, 1992)*; in *Manual de quesos, queseros y quesómanos (Manual for Cheese, Cheese-making and Cheese Connoisseurs)*, Canut states again that 'full-cream cow's, sheep's or goat's milk is used, but the different types are never mixed together'.

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

The cheese owes its name to the Los Beyos gorge, which was gouged out of limestone by the river Sella which runs through the municipalities that make up the defined area, and traditionally enjoys great prestige in relation to its place of origin.

The main link between the geographical area and the cheese is its reputation. There is much proof of this. In Miñano's dictionary (1827), an explicit reference is made to the quality of the cheese, although there are bibliographic references to it before this date in the land registry of the Marquess of La Ensenada (1752) and in the municipal by-laws of the municipalities in this area (starting in 1779). Later, many books and texts mention the cheese or turn it into a feature, even going as far as calling it the 'jewel of the east' or 'son of the gorges', as Juan Gabriel Pallarés does in his *Guía de productos de la tierra (Guide to Local Products, 1998)*.

The prestige of this cheese can also be seen in the many books on gastronomy which refer to it: *Guía del buen comer español (Guide to Good Eating in Spain, 1929)*, which praises 'the excellent flavour of the cheese'; *Lecciones de cocina regional (Lessons in Regional Cooking, 1962)*, in which this cheese is referred to as 'having a very good flavour'; *Comer en Asturias (Eating in Asturias, 1980)*, which claims it is a very important Asturian cheese; a similar reference is made to it in *Cocina práctica de los quesos de España (Practical Cooking Guide for Spanish Cheese, 1983)*. Moreover, it is mentioned in *El Gran libro de la cocina asturiana (The Great Asturian Cookery Book, 1986)*.

Although this cheese began its life as a cheese for family consumption or as payment for rent, it later became, in a limited fashion, something to give as a present or a form of payment or exchange and, by using surplus milk, a source of direct income. These transactions were initially limited to local trade and then spread further through markets as they became established in neighbouring municipalities, such as the market at Cangas de Onís. There are those who believe that it was actually at this market that the cheese received its name, as it came from the Los Beyos gorge.

It was in this municipality that the cheese took part in a contest and exhibition of cheese from the Picos de Europa, which dates back to the Autumn Fair of 1942. There is evidence in the town hall of its participation in this contest in which it continued to compete for top position with other types of local cheese. Queso Los Beyos also held its own contest. The Asturian newspaper *La Nueva España* reported on 10 December 1984 that 'since yesterday, Ponga has its own Los Beyos cheese contest'. In other articles from the same year, we find: 'Los Beyos cheese is good for the economy' and 'the reputation of El Beyos cheese is growing'. On 28 May 2004, *La Voz de Asturias* announced the first Los Beyos cheese gastronomic days which it said were planned to coincide with the XX1st contest for this cheese. The municipality of Amieva has held a similar contest since 1992. Information can be found in the town halls on the list of participants, the members of the jury, the prizes awarded and the list of winners.

Today, these contests are still in the news, with cheese-makers from all three municipalities in the area taking part and a wide public following.

Reference to publication of the specification:

(Article 5(7) of Regulation (EC) No 510/2006 ⁽³⁾)

http://www.magrama.gob.es/es/alimentacion/temas/calidad-agroalimentaria/pliego_queso_los_beyos_versi%C3%B3n_7.6.2012_tcm7-211510.pdf

⁽³⁾ See footnote 2.

Publication of an amendment application pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(2013/C 60/07)

This publication confers the right to oppose the amendment application pursuant to Article 51 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽¹⁾.

AMENDMENT APPLICATION

COUNCIL REGULATION (EC) No 510/2006

on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾

AMENDMENT APPLICATION IN ACCORDANCE WITH ARTICLE 9

'MELVA DE ANDALUCÍA'

EC No: ES-PGI-0105-0937-09.01.2012

PGI (X) PDO ()

1. Heading in the product specification affected by the amendment:

- Name of product
- Description of product
- Geographical area
- Proof of origin
- Method of production
- Link
- Labelling
- National requirements
- Other: verification of compliance with the specification

2. Type of amendment(s):

- Amendment to single document or summary sheet
- Amendment to specification of registered PDO or PGI for which neither the single document nor the summary sheet has been published
- Amendment to specification that requires no amendment to the published single document (Article 9(3) of Regulation (EC) No 510/2006)
- Temporary amendment to specification resulting from imposition of obligatory sanitary or phytosanitary measures by public authorities (Article 9(4) of Regulation (EC) No 510/2006)

3. Amendment(s):

- 3.1. *Section B 'PRODUCT DESCRIPTION' of the specification is amended to permit the use of salted water with less than one per cent salt as a liquid medium:*

It is proposed to approve the use of salted water with less than one per cent salt as a liquid medium for natural 'Melva de Andalucía'.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12. Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

The raw material for this product is the same, i.e. *Auxis rochei* and *Auxis thazard*, and production is the same non-industrial method used for the product in oil; the product's characteristics are not affected. The only change is in the liquid medium, which is salted water with less than one per cent salt taken from the cooking water.

- 3.2. Section C 'GEOGRAPHICAL AREA' of the specification is amended to include the municipality of Chiclana de la Frontera:

An error is corrected in the summary sheet and the specification concerning the municipality of Chiclana de la Frontera in the province of Cádiz. The municipality was included in the documentation submitted to the European Commission on 29 June 2004 but, because of human error, was omitted from the documents subsequently sent for publication.

- 3.3. The wording of Section D 'PROOF THAT THE PRODUCT ORIGINATES IN THE AREA' is amended:

The wording of this Section is amended, since the body responsible for evaluating the product's compliance with the specification has changed, to specify the checks to be carried out but without expressly mentioning the body responsible for carrying them out, as this may vary.

- 3.4. The wording of Section E 'DESCRIPTION OF THE METHOD OF PRODUCTION' is amended to include the use of salted water as a liquid medium in the packaging and the forms of packaging to be used:

The text under 'PACKAGING' is amended as follows:

'The product is presented as skinned and boned fillets, covered in oil or salted water, in round or rectangular tins or in glass jars.'

- 3.5. Amendment of Section G 'VERIFICATION OF COMPLIANCE WITH THE SPECIFICATION':

In order to bring the text into line with the information submitted to the European Commission under the system of official checks on quality products of Andalusia, which forms part of the Multiannual Inspection Plan, a website of the Ministry of Agriculture, Fisheries and the Environment of the Government of Andalusia is given on which details will be provided of the bodies responsible for verifying compliance with the specification.

- 3.6. Section H 'LABELLING' of the specification is amended:

The wording of this Section is amended as follows to include the logo of 'Melva de Andalucía':

The individual label of each producer marketing the product covered by the protected geographical indication 'Melva de Andalucía' must bear prominently the words: 'Indicación Geográfica Protegida' (protected geographical indication), the Community logo and the name 'Melva de Andalucía', as well as any other information generally required under the legislation in force.



All packaging in which the protected frigate tuna is placed on the market must bear a numbered label issued by the Regulatory Board that is affixed at the packaging stage in such a way that it cannot be reused.

- 3.7. Amendment of Section I 'LEGAL REQUIREMENTS':

The legislation specified in the specification is updated.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽³⁾

'MELVA DE ANDALUCÍA'

EC No: ES-PGI-0105-0937-09.01.2012

PGI (X) PDO ()

1. Name:

'Melva de Andalucía'

2. Member State or Third Country:

Spain

3. Description of the agricultural product or foodstuff:

3.1. Type of amendment(s):

Class 1.7 — Fresh fish, molluscs and crustaceans and products derived therefrom

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

Preserved frigate tuna fillets, natural and in olive oil, produced using non-industrial methods.

The fillets are distinguished by their compact, smooth and juicy texture, a pleasant smell and a very characteristic bluefish taste.

Three varieties of the preserved frigate tuna fillets are marketed, differing in the liquid medium used: olive oil, sunflower oil or cooking water. They are packed in round or rectangular tins or glass jars.

3.3. Raw materials (for processed products only):

The raw material used is fish of the species *Auxis rochei* and *Auxis thazard*, which have a robust, elongate and rounded body with a short snout and two well-separated dorsal fins. They are bluish or bluish-grey, with silvery flanks and belly, and their skin is very hard and tough and completely scaleless, except on the posterior part of the body and along the lateral line.

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

—

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

Non-industrial production methods traditional in Andalusia are used. The frigate tuna is skinned by hand without the use of chemicals, thus ensuring a high-quality product with a greyish-white colour that preserves all its characteristics.

The fish are placed exclusively in salted water (with less than one per cent salt), olive or sunflower oil.

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

—

3.7. Specific rules concerning labelling:

The individual label of each producer marketing the product covered by the protected geographical indication 'Melva de Andalucía' must bear prominently the words: 'Indicación Geográfica Protegida' (protected geographical indication), the name 'Melva de Andalucía' and the European Union logo. In addition, the packaging of all preserved 'Melva de Andalucía' covered by the protected geographical indication must bear the PGI logo shown below.

⁽³⁾ See footnote 2.



All packaging in which the protected frigate tuna is placed on the market must bear a numbered label issued by the Regulatory Board that is affixed at the packaging stage in such a way that it cannot be reused.

4. Concise definition of the geographical area:

Production takes place in the municipalities of Almería, Adra, Carboneras, Garrucha and Roquetas de Mar in the province of Almería; Algeciras, Barbate, Cádiz, Chiclana de la Frontera, Chipiona, Conil, La Línea, Puerto de Santa María, Rota, Sanlúcar de Barrameda and Tarifa in the province of Cádiz; Almúñecar and Motril in the province of Granada; Ayamonte, Cartaya, Huelva, Isla Cristina, Lepe, Palos de la Frontera and Punta Umbría in the province of Huelva; Estepona, Fuengirola, Málaga, Marbella and Vélez-Málaga in the province of Málaga.

5. Link with the geographical area:

5.1. Specificity of the geographical area:

The frigate tuna preserves are produced in preserving plants located within the geographical production area in accordance with the requirements of the specification, particularly as regards non-industrial processing involving methods and procedures used since antiquity that allow the fish's natural characteristics to be maintained.

Skinning of the fish by hand is a particularly important stage in the production process and is carried out by skilled workers trained in this operation, whose know-how has traditionally been passed down from generation to generation.

5.2. Specificity of the product:

The non-industrial methods used to produce the product preserve all the natural characteristics of the product, which is distinguished by its compact, smooth and juicy texture, a pleasant smell and a very characteristic bluefish taste.

The species of frigate tuna referred to above that provide the raw material for the product, although migratory, are normally found along the coast of the specified geographical area.

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

Migratory species have been fished in the south of Spain for 3 000 years, since the Phoenicians and the Tartessians began catching tuna, frigate tuna and mackerel using small nets, rudimentary purse seines and the familiar hook and line. As well as fishing, mention should also be made of the importance of the processing industry for these migratory species, whose origins go back to the 1st century AD. All types of tuna and mackerel were processed at factories all along the coast of Andalusia. The famous ruins of Baelo Claudia at Bolonia (Tarifa), where tanks are still visible today, are just one example. Preserving fishery products from species caught in the area is a time-honoured tradition in Andalusia that continues to this day, using non-industrial methods to produce a distinctive, high-quality product meeting food safety standards and with organoleptic properties that derive from the particular raw material used.

In addition, the non-industrial preserving sector has been dominated by small and medium-sized family undertakings, managed by either the founders or their descendants, which has made it possible to maintain traditional production methods. The long traditions of the industry in Andalusia and the experience of non-industrial production handed down from generation to generation guarantee a skilled labour force.

Reference to publication of the specification:

(Article 5(7) of Regulation (EC) No 510/2006 ⁽⁴⁾)

The full text of the product specification is available at:

http://www.juntadeandalucia.es/agriculturaypesca/portal/export/sites/default/comun/galerias/galeriaDescargas/cap/industrias-agroalimentarias/denominacion-de-origen/Pliegos/Pliego_modificado_Melva.pdf

or

via the homepage of the Regional Ministry of Agriculture, Fisheries and the Environment (<http://www.juntadeandalucia.es/agriculturaypesca/portal>), by following the navigation pathway: 'Industrias Agroalimentarias'/'Calidad y Promoción'/'Denominaciones de Calidad'/'Otros Productos'. The specification is located under the name of the quality designation.

⁽⁴⁾ See footnote 2.

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