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### Information and Notices

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## III

*(Preparatory acts)*

## EUROPEAN CENTRAL BANK

## OPINION OF THE EUROPEAN CENTRAL BANK

of 22 January 2014

on a proposal for a regulation on the postponement of SEPA migration date

(CON/2014/3)

(2014/C 80/01)

**Introduction and legal basis**

On 14 January 2014, the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 260/2012 as regards the migration to Union-wide credit transfers and direct debits <sup>(1)</sup> (hereinafter the 'proposed regulation').

The ECB's competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union and Article 3.1 of the Statute of the European System of Central Banks and of the European Central Bank, since the proposed regulation contains provisions falling within the ECB's fields of competence, in particular in connection with the basic Eurosystem task under Article 127(2) of the Treaty of promoting the smooth operation of payment systems. 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.

**Purpose and content of the proposed regulation**

On 9 January 2014, the European Commission published the proposed regulation, which would amend Regulation (EU) No 260/2012 of the European Parliament and of the Council <sup>(2)</sup> by introducing an additional transitional period of six months. Under the proposed regulation, a 'grandfathering clause' would allow banks and other payment service providers to process payments that are non-compliant with Regulation (EU) No 260/2012 until 1 August 2014, to ensure that market participants that do not comply with Regulation (EU) No 260/2012 by February 2014 can continue to make payments and to avoid any inconvenience for consumers.

**1. General observations**

- 1.1. Immediately after the publication of the proposed regulation, the Eurosystem recognised in a statement <sup>(3)</sup> the strong and successful migration efforts that have been carried out by stakeholders in the euro area. The statement mentioned that the most recent information from national single euro payments area (SEPA) communities suggests that the pace of migration is high and accelerating, indicating that the vast majority of stakeholders will complete their migration on time.
- 1.2. The proposed regulation has given rise to confusion in the markets on the deadline for migration and thus there is an urgent need for clear guidance. A further concern is the lack of legal certainty in the event that the proposed regulation is only adopted after the current deadline, i.e. 1 February 2014. This

<sup>(1)</sup> COM(2013) 937 final.

<sup>(2)</sup> Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).

<sup>(3)</sup> Press release of 9 January 2014. Available on the ECB's website at <http://www.ecb.europa.eu>

concern would partially be addressed by the proposed retroactive application of the proposed regulation, i.e. as of 31 January 2014. A situation where the current migration deadline applies until the proposed regulation is adopted, during which time the markets are uncertain as regards the adoption of the proposed regulation, should as far as possible be avoided.

- 1.3. It is therefore of the utmost importance to reinstate legal certainty, reduce the confusion in the markets and provide them with clear guidance about the deadline. These objectives can best be ensured by a fast adoption of the proposed regulation by the Council and the Parliament, without any further alterations to its core elements.

## 2. *Specific observations*

Keeping the above objectives in mind, and to the extent that the fast track legislative procedure allows, the ECB proposes changes that aim at: (a) clarifying the scope of the proposed regulation (the introduction of an *additional* transitional period, by way of derogation) and its justification (SEPA migration is unlikely to be fully completed by 1 February 2014); (b) aligning the terminology of the proposed regulation with that of Regulation (EU) No 260/2012; and (c) ensuring that the effect of the transitional period on the imposition of penalties is made clear.

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

Done at Frankfurt am Main, 22 January 2014.

*The President of the ECB*  
Mario DRAGHI

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## ANNEX

## Drafting proposals

Text proposed by the Commission	Amendments proposed by the ECB <sup>(1)</sup>
<b>Amendment 1</b>	
Recital 6	
<p>(6) As of 1 February 2014 banks and other payment service providers will have to refuse to accept processing credit transfers or direct debits that are not SEPA-compliant because of their legal obligations, although, as is currently already the case, they technically could process those payments by continuing to use existing legacy payments schemes alongside SCT and SDD. Failing a full migration to SCT and SDD, incidents involving payments leading to delays in those payments cannot be excluded. All payment services users and particularly SMEs and consumers could be affected.'</p>	<p>(6) As of 1 February 2014 banks and other payment service providers will have to refuse to accept processing credit transfers or direct debits that are not SEPA-compliant because of their <del>legal</del> obligations <b>under Regulation (EU) No 260/2012</b>, although, as is currently already the case, they technically could process those payments by continuing to use existing legacy payments schemes alongside SCT and SDD. Failing a full migration to SCT and SDD, incidents involving payments leading to delays in those payments cannot be excluded. All payment services users and particularly SMEs and consumers could be affected.'</p>
Explanation	
<p>The term 'legal obligations' is vague and a reference could be made to Regulation (EU) No 260/2012.</p>	
<b>Amendment 2</b>	
Recital 7	
<p>(7) It is essential to avoid unnecessary disruption of payments resulting from the fact that SEPA migration is not fully completed by 1 February 2014. (...) A transition period should therefore be introduced that allows for the continuation of such parallel processing of payments in different formats. (...) During the transitional period, Member States should refrain from applying penalties to payment service providers that process non-compliant payments and to payment service users that have not yet migrated.'</p>	<p>(7) It is essential to avoid unnecessary disruption of payments resulting from <del>the fact that</del> SEPA migration <del>is not being unlikely to be</del> fully completed by 1 February 2014. (...) <b>An additional</b> transitional period should therefore be introduced that allows for the continuation of such parallel processing of payments in different formats. (...) <b>It should be made clear that</b> <del>d</del>during the <b>additional</b> transitional period, Member States <del>should</del> <b>must</b> refrain from applying penalties to payment service providers that process non-compliant payments and to payment service users that have not yet migrated.'</p>
Explanation	
<p>The phrase 'the fact that SEPA migration is not fully completed by 1 February 2014' is contradicted by recital 5 which reads 'it is therefore very unlikely that all market participants will be SEPA-compliant by 1 February 2014'. The two recitals should be streamlined. Moreover, the terminology 'additional transitional period' should be consistently applied. Finally, for the sake of legal certainty, the non-applicability of penalties as a result of and during the additional transitional period must be stated as a fact.</p>	
<b>Amendment 3</b>	
Article 1(1)	
<p>'1. Notwithstanding Article 6(1) and (2), PSPs may continue, until 1 August 2014, to process payment transactions in euro in formats that are different from those required for SEPA credit transfers and SEPA direct debits.'</p>	<p>'1. <del>Notwithstanding</del> <b>By way of derogation from</b> Article 6(1) and (2), PSPs may continue, until 1 August 2014, to process payment transactions in euro in <b>legacy</b> formats that are different from those required for <del>SEPA</del> credit transfers and <del>SEPA</del> direct debits <b>under this Regulation</b>.'</p>

Text proposed by the Commission	Amendments proposed by the ECB <sup>(1)</sup>
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*Explanation*

*The term 'by way of derogation' is taken from the current text of Regulation (EU) No 260/2012 and is legally precise. The terms 'SEPA credit transfers' and 'SEPA direct debits' are not defined in Regulation (EU) No 260/2012. For the sake of legal certainty, the scope of the derogation must be clear.*

**Amendment 4**

Article 1(1), second paragraph

'Member States shall apply the rules on the penalties applicable to infringements of Article 6(1) and (2), laid down in accordance with Article 11, only as of 2 August 2014.'

'Member States shall apply the rules on the penalties applicable to infringements of Article 6(1) and (2), laid down in accordance with Article 11, only as of 2 August 2014 **and only with regard to payment transactions initiated on or after 2 August 2014.**'

*Explanation*

*In order to ensure legal certainty, it must be made clear that penalties for transactions processed during the additional transitional period are excluded.*

**Amendment 5**

Article 1(1), third paragraph

'By way of derogation from Article 6(1) and (2), Member States may allow PSPs to provide PSUs, until 1 February 2016, with conversion services for national payment enabling PSUs that are consumers to continue using BBAN instead of the payment account identifier specified in point (1)(a) of the Annex on condition that interoperability is ensured by converting the payer's and the payee's BBAN technically and securely into the respective payment account identifier specified in point (1)(a) of the Annex. (...)'

'By way of derogation from Article 6(1) and (2), Member States may allow PSPs to provide PSUs, until 1 February 2016, with conversion services for national payment **trans-****actions** enabling PSUs that are consumers to continue using BBAN instead of the payment account identifier specified in point (1)(a) of the Annex on condition that interoperability is ensured by converting the payer's and the payee's BBAN technically and securely into the respective payment account identifier specified in point (1)(a) of the Annex. (...)'

*Explanation*

*Alignment with the terminology of Regulation (EU) No 260/2012.*

<sup>(1)</sup> 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.

## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN COMMISSION

Euro exchange rates <sup>(1)</sup>

18 March 2014

(2014/C 80/02)

## 1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3902	CAD	Canadian dollar	1,5355
JPY	Japanese yen	141,10	HKD	Hong Kong dollar	10,7971
DKK	Danish krone	7,4639	NZD	New Zealand dollar	1,6138
GBP	Pound sterling	0,83830	SGD	Singapore dollar	1,7583
SEK	Swedish krona	8,8226	KRW	South Korean won	1 487,97
CHF	Swiss franc	1,2162	ZAR	South African rand	14,9281
ISK	Iceland króna		CNY	Chinese yuan renminbi	8,6083
NOK	Norwegian krone	8,3050	HRK	Croatian kuna	7,6580
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 718,74
CZK	Czech koruna	27,411	MYR	Malaysian ringgit	4,5550
HUF	Hungarian forint	311,52	PHP	Philippine peso	62,322
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	50,5525
PLN	Polish zloty	4,2092	THB	Thai baht	44,671
RON	Romanian leu	4,5050	BRL	Brazilian real	3,2726
TRY	Turkish lira	3,0885	MXN	Mexican peso	18,3367
AUD	Australian dollar	1,5255	INR	Indian rupee	85,0052

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

**Statement of the Commission**

(2014/C 80/03)

The Commission hereby declares that it intends to implement the Connecting Europe Facility — transport sector in line with the indicative amounts per funding priorities contained in the Commission's Communication (COM(2013) 940) <sup>(1)</sup>, without prejudice to the necessary flexibility needed for budgetary implementation.

The indicative amounts may be revised following the mid-term evaluation of the Connecting Europe Facility to be prepared by the Commission before 31 December 2017, as stated in Article 27(1) of the Connecting Europe Facility Regulation <sup>(2)</sup>.

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<sup>(1)</sup> Commission Communication 'Building the Transport Core Network: Core Network Corridors and Connecting Europe Facility', COM(2013) 940.

<sup>(2)</sup> Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EU) No 67/2010 (OJ L 348, 20.12.2013).



**Commission notice on current State aid recovery interest rates and reference/discount rates for 28 Member States applicable as from 1 April 2014**

*(Published in accordance with Article 10 of Commission Regulation (EC) No 794/2004 of 21 April 2004 (O) L 140, 30.4.2004, p. 1))*

(2014/C 80/04)

Base rates calculated in accordance with the Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6). Depending on the use of the reference rate, the appropriate margins have still to be added as defined in this Communication. For the discount rate this means that a margin of 100 basis points has to be added. The Commission Regulation (EC) No 271/2008 of 30 January 2008 amending the Implementing Regulation (EC) No 794/2004 foresees that, unless otherwise provided for in a specific decision, the recovery rate will also be calculated by adding 100 basis points to the base rate.

Modified rates are indicated in bold.

Previous table published in OJ C 53, 25.2.2014, p. 26.

From	To	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
1.4.2014	...	0,53	0,53	2,96	0,53	<b>0,58</b>	0,53	0,78	0,53	0,53	0,53	0,53	0,53	1,83	<b>2,92</b>	0,53	0,53	0,69	0,53	0,53	0,53	2,75	0,53	3,72	<b>1,06</b>	0,53	0,53	0,88	
1.3.2014	31.3.2014	0,53	0,53	2,96	0,53	0,71	0,53	0,78	0,53	0,53	0,53	0,53	0,53	<b>1,83</b>	3,45	0,53	0,53	0,69	0,53	0,53	0,53	2,75	0,53	3,72	1,29	0,53	0,53	0,88	
1.1.2014	28.2.2014	<b>0,53</b>	<b>0,53</b>	<b>2,96</b>	<b>0,53</b>	<b>0,71</b>	<b>0,53</b>	<b>0,78</b>	<b>0,53</b>	<b>0,53</b>	<b>0,53</b>	<b>0,53</b>	<b>0,53</b>	2,35	3,45	<b>0,53</b>	<b>0,53</b>	<b>0,69</b>	<b>0,53</b>	<b>0,53</b>	<b>0,53</b>	2,75	<b>0,53</b>	3,72	<b>1,29</b>	<b>0,53</b>	<b>0,53</b>	<b>0,88</b>	

## V

(Announcements)

## 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**

(2014/C 80/05)

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 <sup>(1)</sup>.

SINGLE DOCUMENT

**COUNCIL REGULATION (EC) No 510/2006**

**on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(2)</sup>**

**'CEBULARZ LUBELSKI'**

**EC No: PL-PGI-0005-01092-07.02.2013**

**PGI ( X ) PDO ( )**

**1. Name**

'Cebularz lubelski'

**2. Member State or Third Country**

Poland

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

Class 2.4. Bread, pastry, cakes, confectionery, biscuits and other baker's wares

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

'Cebularz lubelski' is a round flatbread, 5-25 cm in diameter and about 1,5 cm thick, made of high-grade wheat-flour dough which typically contains twice as much sugar and margarine or butter as ordinary wheat-flour dough. On its surface is a layer of topping composed of coarsely diced onion mixed with poppy seed, salt and vegetable oil. The topping has a golden colour and a taste and smell characteristic of fried onion. Around its edge is a 0,5-1,5 cm thick dough rim. The rim has a crisp crust that is pale golden to lightly browned. The crumb is pale, soft and slightly moist. The topping imparts an aroma that is typical of freshly fried onion. Wheat bran is visible on the underside of 'cebularz lubelski' if it has been baked on a bran base.

<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ L 93, 31.3.2006, p. 12. Replaced by Regulation (EU) No 1151/2012.

'Cebularz lubelski' can be consumed within 48 hours of being baked.

3.3. *Raw materials (for processed products only)*

*D o u g h*

- food-grade wheat flour (free of organic and inorganic contaminants and having a falling number of at least 220 and a gluten content of at least 25 %) — 100 kg,
- sugar — 2 kg,
- margarine or butter — 3 kg,
- yeast — 4 kg,
- water — 50 l,
- salt — 1 kg.

*T o p p i n g*

- onion — 30 kg,
- vegetable oil — 1 l (rapeseed oil, sunflower oil or a mixture of the two),
- blue poppy seed — 3 kg,
- salt — 1,5 kg.

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

All steps in production must take place in the identified geographical area:

- preparation of the topping,
- preparation of the dough,
- division of the dough,
- shaping of the pieces,
- baking.

3.5. *Specific rules concerning slicing, grating, packaging, etc.*

'Cebularz lubelski' may be sold unpackaged.

Only when it has cooled may a 'cebularz lubelski' be placed in individual packaging. Packaging the product before it has cooled causes an increase in moisture and a rapid loss of crispness.

3.6. *Specific rules concerning labelling*

If packaging is used, the 'cebularz lubelski' label must include the protected geographical indication symbol.

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

Lubelskie Province, as defined by its administrative boundaries.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

Lublin's baking traditions date back to the Middle Ages, and the first references to 'cebularz lubelski' — and the recipe for this unique flatbread which has been handed down from generation to generation — date from the 19th century. 'Cebularz lubelski' was first baked by Jews who lived in the Lublin's Old Town. In time, as the recipe was simple and the ingredients cheap, it spread throughout the Lublin region. A characteristic feature of the region for many centuries was the merging of different baking traditions and a mutual borrowing of recipes or ways of using certain ingredients by craftspeople representing different cultures. As a result, the tradition of baking 'cebularz lubelski', which had become popular amongst consumers and began to be inextricably linked with the Lublin region, was established.

However, we know from Lublin's residents' recollections of the inter-war years (1919-1939) that it was a very widespread product that was baked in all the many Jewish bakeries. It could also be bought straight from the baskets which street vendors carried over their shoulders. The oldest residents of Lublin recall that these pre-war baked goods were widely available and that their pleasant smell, delicate taste and low price were so enticing that they did not need to be advertised.

People connected with the baking trade, including the owner of the first bakery to open for business after the Second World War, are now the best source of information about 'cebularz lubelski'. That bakery is now run by the third generation of bakers. Its owner recalls that the range of goods on offer at the bakery when it reopened after the war-time destruction was limited, but that 'cebularz lubelski' was one of the products available for the first post-war Christmas.

A characteristic feature of the Lublin region is its well-developed bakery sector. Many working bakeries are family businesses run by one generation of craftspeople after the next. In this way knowledge and experience are handed down naturally. In addition, one of the basic elements of vocational training for bakers in Lubelskie (Lublin) Province currently is to master the art of making 'cebularz lubelski'. This is a characteristic feature of this region alone.

It was also because the region's inhabitants' diet was dominated by simple dishes prepared from the most readily available agricultural crops, such as cereals, onion, oil-seed plants (rape and flax) and blue poppy seed, that 'cebularz lubelski' became an important and established part of that diet.

#### 5.2. *Specificity of the product*

The following features in particular distinguish 'cebularz lubelski' from other baker's wares that have been developed in the area where it is produced:

- the use of high-grade wheat-flour dough,
- the hand-shaping of the product,
- its circular shape,
- a browned dough rim with a crisp crust,
- a topping of onion that has not been thermally treated and which contains poppy seed, and
- a pale, soft, slightly moist and aromatic crumb.

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

The link between 'cebularz lubelski' and the region is based on its specificity, as described in point 5.2, and on its reputation.

The name 'cebularz lubelski' reflects the use of an onion topping. Before the Second World War, onion flatbreads were baked by Jews living in Lublin, Kazimierz Dolny and Zamość. After the war, the recipe quickly spread throughout the Lublin region. A product with unique properties, 'cebularz lubelski' arose through the specificity of the geographical area. The mutual borrowing of baking traditions led, among other things, to the development of this characteristic baked good.

The specific features of 'cebularz lubelski' come from its very strong connection with the area of production. This link is manifest primarily in the skills of the local bakers. These skills find expression in, for instance, the right way of producing 'cebularz lubelski', including the selection of onions with a mild sweet taste, the mastery of the unique way of preparing the topping without heating it, and ensuring the right length of time and conditions for maturation. The skill of preparing the high-grade wheat-flour dough, in which it is very important to keep the right proportion of ingredients, the manual shaping of the 'cebularz lubelski', and the spreading of the topping evenly across the entire

surface of the dough so that a browned dough rim forms at the edge of the product, are all crucial. It should also be stressed that the method of producing 'cebularz lubelski' has never spread outside the Lublin region.

'Cebularz lubelski', which is present at all baking-sector gatherings, contests and festivals and at fairs in Poland and abroad, for instance the harvest festivals in Lublin and Radawiec Duży, the *Święto Chleba* bread festival at the Lublin Open Air Village Museum, the European Regional Products Fair in Zakopane, the International Bread Fair in Jawor, Polagra Food in Poznań, the 'Natura Food' Natural Food Days, and the Food & Taste international food fair in Frankfurt an der Oder, is very highly rated by consumers. 'Cebularz lubelski' has been sold and available for tasting at all of these and other, similar events. Thanks to this it has become one of the main promotional symbols for Lubelskie Province. 'Cebularz lubelski' is also present whenever a contest is held to find the best culinary product of the Lublin region. One of the most important nationwide contests is *Nasze Kulinarne Dziedzictwo – Smaki Regionów*, organised by the Polish Chamber of Regional and Local Products. In addition, the purpose of one of the main contests for craftsmen bakers during the *Święto Chleba* bread festival organised annually at the Lublin Village Open Air Museum by the Lublin Regional Branch of the Polish Association of Craftsmen Bakers and the Lublin Food Artisans Guild is to find the best 'cebularz lubelski'.

'Cebularz lubelski' is also served at many gatherings and events organised in Lubelskie Province, such as family picnics (e.g. the *Piknik Rodzinny* at Czerniejów), the 'First Lublin name-day gathering for men called Zbigniew', and the 'Women of the baking sector' meeting organised by the Lublin Chamber of Crafts and Enterprise.

'Cebularz lubelski' has been included on the 'Culinary map of the Lublin region', a joint initiative by the local newspaper *Dziennik Wschodni* and the authorities in Lubelskie Province, aimed at presenting the region's multicultural cuisine.

Its reputation and its great significance for the local community is borne out by the fact that the media often devote television and radio programmes, press articles and publications, etc. to 'cebularz lubelski':

- 'Cebularz jest lubelski', *Przegląd Piekarski i Cukierniczy*, September 2007,
- 'Lubelski cebularz – historia regionalna', *Biuletyn Izby Rzemiosła i Przedsiębiorczości w Lublinie*, May/June 2010,
- 'Jak cebularz, to tylko lubelski', *Kurier Lubelski*, 20 August 2010 and 10 September 2010,
- 'Cebularz super star', *Dziennik Wschodni*, 26 March 2011.

Numerous articles on this subject have also been published on the Internet.

#### Reference to publication of the specification

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

<http://www.minrol.gov.pl/pol/jakosc-zywnosci/Produkty-regionalne-i-tradycyjne/Zlozone-wnioski-o-rejestracje-Produkty-regionalne-i-tradycyjne/OGLOSZENIE-MINISTRA-ROLNICTWA-I-ROZWOJU-WSI-z-dnia-7-wrzesnia-2012-roku>

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<sup>(3)</sup> See footnote 2.





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