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(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates [1]

24 March 2014

(2014/C 86/01)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,3774	CAD	Canadian dollar	1,5448
JPY	Japanese yen	141,05	HKD	Hong Kong dollar	10,6866
DKK	Danish krone	7,4647	NZD	New Zealand dollar	1,6118
GBP	Pound sterling	0,83540	SGD	Singapore dollar	1,7516
SEK	Swedish krona	8,8624	KRW	South Korean won	1 483,83
CHF	Swiss franc	1,2197	ZAR	South African rand	14,9449
ISK	Iceland króna		CNY	Chinese yuan renminbi	8,5320
NOK	Norwegian krone	8,3495	HRK	Croatian kuna	7,6615
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 676,58
CZK	Czech koruna	27,411	MYR	Malaysian ringgit	4,5470
HUF	Hungarian forint	312,89	PHP	Philippine peso	62,194
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	49,6815
PLN	Polish zloty	4,1925	THB	Thai baht	44,738
RON	Romanian leu	4,4768	BRL	Brazilian real	3,1957
TRY	Turkish lira	3,0829	MXN	Mexican peso	18,1705
AUD	Australian dollar	1,5091	INR	Indian rupee	83,7287

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

Opinion of the Advisory Committee on restrictive agreements and dominant position given at its meeting of 12 December 2013 regarding a draft decision relating to Case COMP/C.39678/39731 — Deutsche Bahn

Rapporteur: Italy

(2014/C 86/02)

1. The Advisory Committee shares the competition concerns set out by the Commission in its draft decision.

2. The Advisory Committee shares the Commission's assessment under Article 102 of the Treaty on the Functioning of the European Union ('TFEU') in its draft decision.

3. The Advisory Committee agrees with the Commission that the proceedings can be concluded by means of a decision pursuant to Article 9(1) of Regulation (EC) No 1/2003.

4. The Advisory Committee agrees with the Commission that the commitments offered by Deutsche Bahn are suitable, necessary and proportionate.

5. The Advisory Committee agrees with the Commission that, in light of the commitments offered by Deutsche Bahn, there are no longer grounds for action by the Commission, without prejudice to Article 9(2) of Regulation (EC) No 1/2003.

6. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.

Final report of the Hearing Officer [1]

Deutsche Bahn I (AT.39678)

Deutsche Bahn II (AT.39731)

(2014/C 86/03)

(1) On 13 June 2012, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 [2] against Deutsche Bahn AG and its subsidiaries DB Energie GmbH, DB Mobility Logistics AG, DB Fernverkehr AG and DB Schenker Rail Deutschland AG (together referred to as 'DB Group').

(2) A preliminary assessment was adopted by the Commission on 6 June 2013 pursuant to Article 9(1) of Regulation (EC) No 1/2003 and notified to DB Group on the same day. In the preliminary assessment, the Commission set out its competition concerns as regards a possible infringement by DB Group of Article 102 TFEU. These concerns related to a potential margin squeeze created by the DB Group's pricing system for traction current, including its discounts, on the markets for the provision of rail freight and long distance passenger transport services in Germany.

(3) On 23 July 2013, DB Group submitted commitments in order to meet the Commission's concerns. On 15 August 2013, the Commission published a notice in the *Official Journal of the European Union* in accordance with Article 27(4) of Regulation (EC) No 1/2003, summarising the case and the commitments and inviting third parties to submit comments on the proposal [3].

(4) After the Commission had informed the DB Group of the observations received from 13 interested third parties following the publication of the notice, DB Group submitted an amended commitment proposal.

(5) In its decision pursuant to Article 9(1) of Regulation (EC) No 1/2003, the Commission makes the commitments offered by DB Group binding upon it and concludes that, in light of the commitments offered, there are no longer grounds for action on its part, and thus the proceedings in this case should be brought to an end.

(6) I did not receive any request or complaint from any party to the proceedings in the present case [4]. In view thereof, I consider that the effective exercise of the procedural rights of all parties in this case has been respected.

Brussels, 13 December 2013.

Wouter WILS

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[1] Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings, OJ L 275, 20.10.2011, p. 29.

[2] Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJ L 1, 4.1.2003, p. 1.

[3] Communication of the Commission published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Cases AT.39678 Deutsche Bahn I, AT.39731 Deutsche Bahn II and AT.39915 Deutsche Bahn III, OJ C 237, 15.8.2013, p. 28.

[4] According to Article 15(1) of Decision 2011/695/EU, parties to the proceedings offering commitments pursuant to Article 9 of Regulation (EC) No 1/2003 may call upon the hearing officer at any stage of the procedure in order to ensure the effective exercise of their procedural rights.

Summary of Commission Decision

of 18 December 2013

relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union

(Case AT.39678/AT.39731 — Deutsche Bahn I/II)

(notified under document C(2013) 9194 final)

(Only the German text is authentic)

(2014/C 86/04)

On 18 December 2013, the Commission adopted a decision relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ([1])*, the Commission herewith publishes the names of the parties and the main content of the decision, having regard to the legitimate interest of undertakings in the protection of their business secrets.*

I. INTRODUCTION

(1) The case relates to competition concerns on the market for the supply of traction current to railway undertakings in Germany. Traction current is the specific type of electric energy used to propel electric locomotives.

(2) The Decision makes legally binding the commitments offered by DB Energie GmbH and DB Mobility Logistics AG under Article 9 of Regulation (EC) No 1/2003 in a proceeding under Article 102 of the Treaty. DB Energie GmbH and DB Mobility Logistics AG are subsidiaries of the German railway incumbent Deutsche Bahn (DB).

II. PROCEDURE

(3) On 13 June 2012, the Commission opened formal proceedings with a view to taking a decision under Chapter III of Regulation (EC) No 1/2003. On 6 June 2013, the Commission adopted a preliminary assessment. On 23 July 2013, the parties proposed initial commitments to address the Commission's preliminary concerns. On 15 August 2013, a notice was published in the *Official Journal of the European Union* pursuant to Article 27(4) of Regulation (EC) No 1/2003, summarising the case and the proposed commitments, and inviting interested third parties to give their observations. Following the comments received from third parties, DB submitted the signed version of the final commitments on 17 December 2013.

(4) On 12 December 2013, the Advisory Committee on restrictive practices and dominant positions was consulted and gave a positive opinion. On 13 December 2013, the Hearing Officer issued his final report.

III. CONCERNS EXPRESSED IN THE PRELIMINARY ASSESSMENT

(5) The preliminary assessment set out the competition concerns of the Commission relating to a potential margin squeeze created by the DB Group's pricing system for traction current, including its discounts, on the markets for the provision of rail freight and long-distance passenger transport services.

(6) The Commission took the preliminary view that the pricing practice of DB Energie, the DB subsidiary in charge of the supply of traction current, may create a margin squeeze on the German markets for rail freight and long-distance passenger transport services. A margin squeeze may occur where a vertically integrated undertaking sells a product or service to competitors on an upstream market where it is dominant and competes with these undertakings on a downstream market for which the product or service is an indispensable input.

(7) DB Energie operates the specific electrical grid necessary for the distribution of traction current. It also supplies traction current to railway undertakings by purchasing electricity from energy producers and reselling it to railway undertakings. DB Energie is the sole supplier of traction current in Germany and is therefore dominant on the market for the supply of traction current to railway undertakings in Germany. It belongs to the vertically integrated DB Group which is also active on the downstream rail transport markets.

(8) The Commission preliminarily concluded that DB Energie's pricing practice for traction current may prevent railway undertakings at least as efficient as the dominant undertaking from competing profitably on the downstream market for freight and long-distance passenger transport services. The Commission preliminary found that on average over the period concerned by the potential infringement, the DB railway undertakings in the freight sector and in the long-distance passenger transport sector

([1]) OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

would not have been able to trade profitably if they had benefited from the same lower level of discounts for traction current as their competitors. Since traction current is an indispensable input for railway undertakings for operating on the freight and long-distance passenger transport markets, the Commission preliminarily found that negative levels of profitability caused by the alleged margin squeeze have likely anti-competitive foreclosure effects.

IV. **THE COMMITMENTS**

(9) DB submitted initial commitments on 23 July 2013 and a revised commitment proposal on 21 November 2013 to meet the Commission's competition concerns. The key elements of the commitments are as follows:

— On 1 July 2014, DB Energie will introduce a new pricing system for traction current with separate supply prices for electricity and separate grid access fees, the latter as approved by the competent German regulatory authority (Bundesnetzagentur). On the same day, DB Energie will offer access to its traction current network for third party energy providers so that they can supply traction current to railway undertakings, in competition to DB Energie.

— In this new system, DB Energie will charge the same price for electricity to all railway undertakings without volume- or duration-based discounts.

— DB Energie will pay to railway undertakings in Germany not belonging to the DB Group a one-time payment of 4 % of their yearly traction current invoice, based on the period of one year before the entry into force of the new pricing system.

— DB will provide each year the necessary data for the Commission to assess if the price levels for traction current and transport services charged by the DB Group could lead to a margin squeeze. DB Energie will also notify to the Commission in advance any changes to its electricity price.

— The commitments will last for five years after the notification of the Commission's decision or until 25 % of traction current volumes purchased by competitors of the DB Group are sourced from third party electricity providers.

— DB will appoint a trustee to monitor its compliance with the commitments.

V. **ASSESSMENT AND PROPORTIONALITY OF THE COMMITMENTS**

(10) The Commission considers that the commitments are sufficient to address the concerns identified in the preliminary assessment without being disproportionate.

(11) The commitments will allow the entry of competitors on the market for the supply of traction current by promoting entry of third party electricity providers. Such competition will in turn constrain the price setting ability of DB Energie and remove the possibility of a margin squeeze.

(12) The introduction of a new pricing system for traction current with separate prices for electricity and for access to the traction current grid will ensure that electricity providers can compete on the price of electricity. Furthermore, DB's commitment to 'offer access to its traction current network' on 1 July 2014 will enable market opening and the switching of railway undertakings to another supplier on that date. The renouncement of discounts will promote the development of competition by ensuring price transparency and a level playing field.

(13) The one-time payment to railway undertakings aims at preventing the potential margin squeeze to be prolonged in a transition phase while the new pricing system is introduced and third party energy suppliers have not entered the market for traction current. The payment is therefore limited to one year, a duration which the Commission considers to be sufficient to allow market entry. The price decrease of 4 % is adequate since it would have been sufficient to prevent a margin squeeze during the period of the potential infringement.

(14) The data on the price levels for traction current and for transport services which DB commits to provide enable the Commission to monitor DB's pricing behaviour. The monitoring trustee will observe DB's compliance with the commitments in general.

(15) The Commission considers that the five-year duration of the commitments is sufficiently long for third party electricity suppliers to develop their offer and for railway undertakings to change providers. In case third party electricity providers supply 25 % of the volumes of traction current consumed by non-DB railway undertakings before five years have elapsed, the Commission considers that this would prove that competition has been developing steadily and would justify a premature end of the commitments.

VI. **CONCLUSION**

(16) The Decision makes the commitments submitted by DB legally binding. In view of the commitments, there are no longer grounds for action by the Commission.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.7197 — AMP/Arcus/PSP/Alpha Trains)

Candidate case for simplified procedure

(Text with EEA relevance)

(2014/C 86/05)

1. On 13 March 2014, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 [1] by which AMP Capital Investors Limited ('AMP', Australia), Public Sector Pension Investment Board ('PSP', Canada) and Arcus European Infrastructure Fund GP LLP ('Arcus', the United Kingdom) will acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Alpha Trains (Luxembourg) Holdings Sàrl and its subsidiaries ('Alpha Trains', Luxemburg), currently jointly controlled by Arcus and PSP, by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— AMP: an Australian investment house operating across a broad range of asset classes worldwide,

— PSP: a Canadian pension investment manager with a diversified global portfolio,

— Arcus: an independent fund manager specialising in European infrastuctures,

— Alpha Trains: a specialist train leasing company providing rolling stock to both public and private operators in a number of countries across continental Europe.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the 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 Council Regulation (EC) No 139/2004 [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.

[1] OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
[2] OJ C 366, 14.12.2013, p. 5.

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.7197 — AMP/Arcus/PSP/Alpha Trains, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

OTHER ACTS

EUROPEAN COMMISSION

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

(2014/C 86/06)

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

'PANCETTA PIACENTINA'

EC No: IT-PDO-0117-01103-08.04.2013

PGI ( ) PDO (X)

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 (to be specified)

(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.

2. **Type of amendment**

— ☒ Amendment to single document or summary sheet

— ☐ Amendment to specification of registered PDO or PGI for which neither the single document nor the summary 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)**

The 'Pancetta Piacentina' PDO has been amended to include the use of nitrites, within the limits established by law. This is necessary because the addition of nitrites along with nitrates is more effective against pathogens and oxidation during production.

The specification that the *pancetta* is 'stacked on special surfaces' during the maturation process is not considered relevant to the production of the PDO and has been removed.

More details have been provided to clarify the method for binding or tying the *pancetta* after rolling.

An amendment has been made to allow the use of all types of pig's intestine and cellulose casings suitable for production, in response to real changes in market conditions that make it very difficult (and in some market situations, impossible) to find the specific types of casings that had previously been specified.

The minimum maturation period has been extended from three to four months, with a view to improving the quality of the PDO product.

Furthermore, the maximum maturing temperature has been increased from 14 °C to 18 °C and a tolerance margin of 10 % has been introduced for the humidity conditions during maturation. This contributes to improving the quality of the product by enhancing its aroma and eliminating any defects.

Finally, the minimum quantity of ash has been reduced from 2 % to 1,5 % in line with the reduction of the minimum quantity of salt, as they are directly correlated. This amendment is also consistent with the growing trend towards reducing the amount of salt in food.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [3]

'PANCETTA PIACENTINA'

EC No: IT-PDO-0117-01103-08.04.2013

PGI ( ) PDO (X)

1. **Name**

'Pancetta Piacentina'

2. **Member State or Third Country**

Italy

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

3.1. *Type of product*

Class 1.2 — Meat product (cooked, salted, smoked, etc.)

[3] See footnote 2.

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

'Pancetta Piacentina' is a salted, naturally matured product that is preserved raw. It is produced from the fatty layer covering the stomach area of the half-carcase from the retrosternal to the inguinal area, and the abdominal muscle tissue.

The finished product is cylindrical in shape, weighs between 4 kg and 8 kg, and is bright red with clear white from the fatty parts. The meat has a pleasant mild smell and a savoury taste.

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

'Pancetta Piacentina' comes from pigs that are born, raised and slaughtered in Emilia Romagna and Lombardy. The name 'Pancetta Piacentina' benefits from the derogation provided by Article 5(3) of Regulation (EU) No 1151/2012.

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

There are detailed rules to be observed regarding the use and composition of the feed ration. Feed is of two types and is mainly based on cereal products from the macro-area identified in point 3.3. The pigs' average feed ration consists predominantly of corn mash, supplemented by barley, bran, soya beans and minerals. By-products of cheese-making (whey, curds and buttermilk) are mainly supplied by dairies located within the defined geographical area.

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

Production of 'Pancetta Piacentina' entails the following phases: trimming, dry salting, binding, drying and maturation. These must be carried out in the area defined in point 4.

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

Packaging, slicing and cutting must be carried out under the supervision of the designated inspection body within the processing area indicated in point 4. To ensure that 'Pancetta Piacentina' maintains its specific and original characteristics, the packaging, slicing and cutting must be carried out in the geographical production area by staff with specific knowledge of the product. The rind must be entirely removed before slicing. If the product is exposed to unknown environmental conditions or comes into contact with air once its natural rind has been removed, oxidation may occur, causing the slices or the exposed parts to become darker, losing the characteristic bright red colour of the lean meat. Oxidation may also cause the fat to become rancid and consequently spoil the product's aroma.

3.7. *Specific rules concerning labelling*

When put up for consumption, the product must bear the words 'Pancetta Piacentina'.

The designation 'Pancetta Piacentina' must appear on the label in clear, indelible letters wholly distinguishable from any other wording and followed immediately by the term 'Denominazione di Origine Protetta' (protected designation of origin).

Any other description not expressly allowed is prohibited.

However, the use of indications which make reference to names, company names and private brands is authorised, provided they have no laudatory purport and are not such as to mislead the consumer, as are names of pig farms from which the product comes.

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

The production area includes the whole territory of the province of Piacenza, but only in the parts below 900 m above sea level.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

The production of 'Pancetta Piacentina' dates back to Roman times and has been handed down in the geographic area of the province of Piacenza.

The importance of the production area of 'Pancetta Piacentina' is linked to the development of a typical rural tradition common to the entire Po region, from which the raw material is sourced (Emilia Romagna and Lombardy). In the area which supplies the raw material, the development of livestock farming is linked to the widespread cultivation of cereal crops and to working methods in the highly specialised diary sector which have encouraged pig farming locally.

In the province of Piacenza, local producers have developed and passed on the ability to select and prepare the cuts of meat. Particular expertise is required for the rolling and binding of 'Pancetta Piacentina'. The presence of cool, water-rich valleys and wooded hills has a positive effect on the conditions in the maturing premises.

5.2. *Description of product*

Pancetta Piacenza is cylindrical in shape. A slice of the lean meat is bright red with white from the fatty parts. The meat has a pleasant mild smell and a savoury taste.

The muscular cut used for the production of 'Pancetta Piacentina' comes from the Italian heavy pig.

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 required characteristics of 'Pancetta Piacentina' depend on the environmental conditions and natural and human factors. In particular, the properties of the raw material are closely linked to the defined geographical supply area, where farmers have developed techniques for breeding Italian heavy pigs that ensure the quality of the cut of meat used for the production of 'Pancetta Piacentina'.

Furthermore, the production of 'Pancetta Piacentina' is localised in the province of Piacenza because local producers have developed specific expertise over time in the salting, rolling and binding of the *pancetta*.

'Pancetta Piacentina' is rolled and bound to create its characteristic cylindrical shape and when sliced it is possible to see the marbling of the fat with the lean.

'Pancetta Piacentina' is further linked to its production area by the technical know-how of its producers with regard to the salting process, as well as their expert management of the various stages of the maturing process.

Environmental factors are closely linked to the features of the area of production and, in particular, to its climate, which has a decisive influence on the characteristics of the finished product, contributing to its successful maturation.

This combination of 'raw material-product-designation' is rooted in the socio-economic development of the area and has particularities that could not be reproduced elsewhere.

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 on the following website:

http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3335

or alternatively:

by going directly to the home page of the Ministry of Agricultural, Food and Forestry Policy (http://www.politicheagricole.it) and clicking on 'Qualità e sicurezza' (at the top right of the screen), and then on 'Disciplinari di Produzione all'esame dell'UE'.

([4]) See footnote 2.

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