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## Information and Notices

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<sup>(1)</sup> Text with EEA relevance

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<sup>(1)</sup> Text with EEA relevance

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## II

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

## EUROPEAN COMMISSION

## COMMUNICATION FROM THE COMMISSION

**on the finalisation of the restriction process on the four phthalates (DEHP, DBP, BBP and DIBP)  
under Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning  
Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

**(Text with EEA relevance)**

(2014/C 260/01)

## 1. INTRODUCTION

On 14 April 2011, in accordance with Article 69(4) of Regulation (EC) No 1907/2006 <sup>(1)</sup> (REACH), Denmark submitted to the European Chemicals Agency (ECHA) an Annex XV dossier for a restriction proposal. The proposal was to restrict at EU level the placing on the market of articles intended for use indoors and articles that may come into direct contact with the skin or mucous membranes, which contain one or more of four phthalates in a concentration greater than 0,1 % by weight of any plasticised material. The four phthalates are the following: DEHP (bis (2-ethylhexyl) phthalate; CAS No 117-81-7; EC No 204-211-0); DBP (dibutyl phthalate; CAS No 84-74-2; EC No 201-557-4); BBP (benzyl butyl phthalate; CAS 85-68-7; EC No 201-622-7); DIBP (diisobutyl phthalate; CAS 84-69-5; EC 201-553-2). Denmark considered that due to the reproductive toxicity and endocrine-disrupting properties of those phthalates, their presence in articles and their combined exposure pose a risk to human health that is not adequately controlled and needs to be addressed at the EU level.

On 15 June 2012, in accordance with Article 70 of REACH, the ECHA Committee for Risk Assessment (RAC) adopted its opinion, by consensus, on the proposed restriction. In its opinion, RAC considered that the proposed restriction is not justified because the available data do not indicate that in 2012 there is a risk from combined exposure to the four phthalates. According to RAC, the existing regulatory requirements and consequent reduction in use are further reducing the exposure, as will the authorisation requirements imposed on these phthalates in the next few years.

On 5 December 2012, in accordance with Article 71 of REACH, the ECHA Committee for Socioeconomic Analysis (SEAC) adopted its opinion, by consensus, on the suggested restriction in which it concluded that it had no basis to support the proposed restriction. This conclusion is based on the RAC opinion described above.

On 19 December 2012, in accordance with Article 72 of REACH, ECHA submitted to the Commission the RAC and SEAC opinions.

Pursuant to Article 73(1) of REACH, if the conditions laid down in Article 68 are fulfilled, the Commission shall prepare a draft amendment to Annex XVII, within three months of receipt of the SEAC opinion.

<sup>(1)</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

The four phthalates are classified as reproductive toxicants category 1B under Annex VI to the CLP Regulation<sup>(1)</sup>. Like other reproductive toxicants category 1B and in accordance with entry 30 of Annex XVII to REACH, the four phthalates cannot be placed on the market or used, as such, as constituents of other substances or in mixtures to be supplied to the general public when the concentration of one of these phthalates is greater to or equal to 0,3 %.

The use of three of these phthalates (DEHP, DBP and BBP) in toys and childcare articles is restricted by entry 51 of Annex XVII to REACH. In the frame of the review clause included in this entry, ECHA at the request of the Commission assessed in 2010 whether the entry should be modified, in the light of new scientific information. It was concluded<sup>(2)</sup> that the available new information on uses and exposure to those three phthalates did not bring a new perspective to the assessments already performed and used as a basis for those restrictions. It was also concluded that this new information did not indicate the need for an urgent re-examination of the existing restriction.

## 2. MAIN ELEMENTS CONSIDERED BY THE COMMISSION IN ITS EVALUATION

When concluding on whether the conditions laid down in Article 68 of REACH are fulfilled and a restriction justified, the Commission considered, in particular, the following elements of the restriction dossier and of the Committees' opinions.

First, it was difficult for RAC to conclude on the contribution of the four phthalates to the infertility problems and increases in hormone dependent cancers observed in humans. In fact, available epidemiology studies in human do not allow a conclusion to be drawn on a direct causal relationship between the effects investigated (mainly anti-androgenic) and the exposure to the four phthalates. On the other hand, RAC agreed that, based on animal data, several effects seemed to be linked to an anti-androgenic mode of action. The committee hence considered all those effects as relevant endpoints and selected the most sensitive of these effects for deriving the level of exposure to a substance above which humans should not be exposed (Derived No Effect Levels, DNELs). However, RAC considered that the derived DNELs were overestimated for certain reasons detailed in the opinion such as the use of conservative initial dose levels<sup>(3)</sup>.

Second, in the exposure assessment, RAC evaluated the scenarios proposed in the restriction dossier where exposure to the phthalates contained in articles may result from direct contact with the articles and with dust and indoor air containing the four phthalates. Exposure from food intake was also included in the evaluation.

RAC considered the exposure estimates based on modelling provided in the restriction dossier as being very worst case and not reliable for several reasons detailed in its opinion. Therefore, the calculated Risk Characterisation Ratios (RCRs) from exposure to articles, from the indoor environment, and from food intake, were considered to be overestimated.

With the aim of getting a better representation of the total/combined levels of the four phthalates the population is exposed to, RAC considered the human biomonitoring studies made available in the Annex XV dossier for restriction and during the restriction process to derive exposure estimates. The exposure estimates calculated using those biomonitoring data resulted in combined RCRs for the four phthalates of 1,59 and 1,23 for child and adult respectively (reasonable worst case), which indicate a risk as being above 1. It was recognised by RAC that the biomonitoring data could lead to some underestimations of exposure, as the data were only available for a relatively small number of people, not covering all age groups and probably not reflecting the situation in the whole of Europe (as the data were available only from Germany and Denmark). However, RAC considered that, since the available biomonitoring studies were relating to samples taken before 2007, the exposure estimates were not reflecting the current situation and were overestimated in

<sup>(1)</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

<sup>(2)</sup> [http://echa.europa.eu/documents/10162/13641/dehp\\_echa\\_review\\_report\\_2010\\_6\\_en.pdf](http://echa.europa.eu/documents/10162/13641/dehp_echa_review_report_2010_6_en.pdf);  
[http://echa.europa.eu/documents/10162/13641/bbp\\_echa\\_review\\_report\\_2010\\_6\\_en.pdf](http://echa.europa.eu/documents/10162/13641/bbp_echa_review_report_2010_6_en.pdf);  
[http://echa.europa.eu/documents/10162/13641/dbp\\_echa\\_review\\_report\\_2010\\_6\\_en.pdf](http://echa.europa.eu/documents/10162/13641/dbp_echa_review_report_2010_6_en.pdf).

<sup>(3)</sup> NOAEL (No Observed Adverse Effect Level) or LOAEL (Lowest Observed Adverse Effect Level).

view of the implementation of the EU legislation on phthalates in food contact materials <sup>(1)</sup>, in cosmetics <sup>(2)</sup> and in childcare articles and toys <sup>(3)</sup>, that were expected to have decreased the exposure.

As indicated in the RAC opinion, between 2007 and 2010, there was a decrease of 40 % of the presence of the four phthalates in the EU produced articles, a decrease of 13 % of the presence of the four phthalates in imported articles into the EU, and a decrease of 35 % of the amount of the four phthalates in articles marketed in the EU. It was also noted that the calculated RCRs represent the result of exposure to all articles containing phthalates, including those that are not intended to be restricted by the proposal. RAC therefore concluded that the calculated RCRs above 1 were overall overestimations of the current situation.

Furthermore, RAC and SEAC noted that for many applications, the phasing out of the four phthalates and/or phthalates in general has already taken place, or is underway. In addition, based on a number of different scenarios, SEAC projected the amounts of the four phthalates in articles marketed in the EU for 2015 and 2020. Those projections indicated continued considerable decrease of the presence of the four phthalates in articles in the EU. On this basis, RAC concluded that the decrease in volume taking place will further reduce the exposure to a level which is of no concern to human health. SEAC was also of the opinion that the main drivers of substitution being the EU legislation – such as on the classification of the four phthalates as reproductive toxicants, the EU legislation restricting their use in toys and childcare articles as well as the EU legislation on plastic food contact materials – the substitution of the four phthalates with other plasticisers is expected to continue due to the inclusion of these phthalates in the candidate list of Substances of Very High Concern in accordance with Article 59 of REACH, and Annex XIV to REACH and the fact that a substitution plan must be provided when applying for an authorisation if there are suitable alternatives. Other market factors, such as trend of using non-phthalates plasticisers and uncertainties of long-term price and availability of phthalates feedstocks, support this trend of substitution.

In its opinion, SEAC noted that it could not carry out a proportionality assessment of the proposed restriction given the absence of relevant information in the Annex XV dossier for restriction and collected during the restriction process. There was neither a demonstration nor an assessment of the benefits of the proposed restriction related to possible reduced health impacts. The information available to SEAC did not allow for any assessment of potential environmental benefits of the proposed restriction. With regard to substitution costs to industry, SEAC found that prices of alternatives (including both phthalate and non-phthalate plasticisers) are generally in the range of 0 %-30 % higher. Limited information was available to SEAC with regard to reformulation and other relevant costs of substitution, given the wide variety of applications. Overall, SEAC estimated that alternatives are technically available at an affordable cost for the majority of applications. However, the proposed restriction may have an adverse economic impact on the PVC recycling sector or require more time and resources for substitution in certain sectors (e.g. aerospace industry). SEAC also noted that given the very wide scope of the proposal, it has not been demonstrated that the proposed restriction would actually be the most appropriate measure.

On 9 April and 12 July 2013, Denmark provided references to further information to the Commission, requesting that this information is considered by the Commission before taking a decision. The information referred to mainly focused on data from biomonitoring studies and on the presence of the four phthalates in imported articles. The Commission asked the ECHA Secretariat to conduct a preliminary evaluation of whether these data would be of a nature to challenge the RAC and SEAC opinions.

In its preliminary evaluation, the ECHA Secretariat concluded that on the basis of newly available biomonitoring data for the Danish population, the exposure in that Member State in 2011 was about half that of the values from 2007, therefore confirming the assumptions of a declining trend and the conclusions of RAC and SEAC. The biomonitoring data for the population from other EU Member States was, however, not publicly available. It was considered by ECHA as too preliminary (as not peer-reviewed) to be able to conduct a proper analysis and draw any firm conclusion, and to challenge the opinions of RAC and SEAC.

<sup>(1)</sup> Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4) and Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food (OJ L 12, 15.1.2011, p. 1).

<sup>(2)</sup> Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products (OJ L 262, 27.9.1976, p. 169).

<sup>(3)</sup> Directive 2005/84/EC of the European Parliament and of the Council of 14 December 2005 (OJ L 344, 27.12.2005, p. 40), currently under entry 51 of Annex XVII to REACH.

Furthermore, the ECHA Secretariat considered that the data and the additional considerations provided by Denmark on the presence of phthalates in imported articles do not allow drawing any different conclusion than those of RAC and SEAC. Although it might have been less steep than assumed by SEAC, the data do not contradict the assumption of RAC of a declining trend of the volume of phthalates in articles on the EU market, which seems to be confirmed by the preliminary evaluation made by ECHA on the biomonitoring data.

On the basis of the preliminary evaluation conducted by the ECHA Secretariat of the information referred to by Denmark in its correspondence of 9 April and 12 July 2013, the Commission considers that, given its limited availability and preliminary nature, these data do not constitute at this stage a sufficient basis to challenge the RAC and SEAC opinions.

### 3. CONCLUSIONS

Pursuant to Article 73(1) of REACH, the Commission considers that the conditions laid down in Article 68 are not fulfilled and did therefore not prepare a draft amendment to Annex XVII and did not seek for a final decision according to the procedure laid down in Article 73(2) of REACH.

REACH harmonises the conditions for or prohibition of the manufacture, use or placing on the market of chemical substances that went through the REACH Restriction process (Articles 69 to 73 of REACH). Therefore, once the restriction process is finalised, Member States should not maintain or introduce national restrictions different from those adopted at EU level addressing the risks assessed in the Annex XV restriction dossier.

In the present case of the four phthalates this means that, since the Commission decided not to adopt the proposed restriction at EU level, Member States should not maintain or introduce national restrictions that address the risks which were already evaluated during the EU restriction process.

The Commission recalls ECHA's obligation to consider, after the sunset date (21 February 2015) for the four phthalates listed in Annex XIV, whether the use of those phthalates in articles poses a risk to human health or the environment that is not adequately controlled, in accordance with Article 69(2) of REACH. This procedure would also accommodate the recommendation of RAC in its opinion to monitor the market trends, use patterns, body burden based on biomonitoring, content in and migration from articles.

The Commission considers that any newly available data, including new biomonitoring data, as referred to by Denmark in its submissions of 9 April and 12 July 2013, will be evaluated by ECHA under this procedure. The Commission will request ECHA to initiate this procedure already before the sunset date for these substances.

In case concerns arise whether other phthalates that are classified as reproductive toxicant 1A/B should be of concern or in case new scientific evidence indicates an unacceptable risk from the exposure to those four phthalates, the risk to human health arising from the total combined exposure to all classified phthalates could be assessed and could lead to a new restriction process according to Article 69 of REACH.

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**Non-opposition to a notified concentration****(Case M.7266 — D'Ieteren/Continental/JV)****(Text with EEA relevance)**

(2014/C 260/02)

On 5 August 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No. 139/2004 <sup>(1)</sup>. The full text of the decision is available only in English language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7266. EUR-Lex is the online access to the European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

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**Non-opposition to a notified concentration****(Case M.7202 — Lenovo/Motorola Mobility)****(Text with EEA relevance)**

(2014/C 260/03)

On 26 June 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 <sup>(1)</sup>. The full text of the decision is available only in the English language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7202. EUR-Lex is the online access to European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

**Non-opposition to a notified concentration**  
**(Case M.7320 — PAI Partners / DVD Participations)**  
**(Text with EEA relevance)**  
(2014/C 260/04)

On 4 August 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>(1)</sup>. The full text of the decision is available only in English language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7320. EUR-Lex is the online access to the European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

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**Non-opposition to a notified concentration**  
**(Case M.7321 — CVC Capital Partners / Vedici Groupe)**  
**(Text with EEA relevance)**  
(2014/C 260/05)

On 5 August 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>(1)</sup>. The full text of the decision is available only in English language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7321. EUR-Lex is the online access to the European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

**Non-opposition to a notified concentration****(Case M.7295 — Parkwind/Aspiravi Offshore/Summit Renewable Energy Northwind/Northwind)****(Text with EEA relevance)**

(2014/C 260/06)

On 5 August 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>(1)</sup>. The full text of the decision is available only in English language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7295. EUR-Lex is the online access to the European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

**Non-opposition to a notified concentration****(Case M.7137 — EDF/Dalkia en France)****(Text with EEA relevance)**

(2014/C 260/07)

On 25 June 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>(1)</sup>. The full text of the decision is available only in the French language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7137. EUR-Lex is the online access to European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

**Non-opposition to a notified concentration****(Case M.7290 — Apple/Beats)****(Text with EEA relevance)**

(2014/C 260/08)

On 25 July 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 <sup>(1)</sup>. The full text of the decision is available only in English language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7290. EUR-Lex is the online access to the European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

## IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN COMMISSION

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

8 August 2014

(2014/C 260/09)

## 1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3388	CAD	Canadian dollar	1,4614
JPY	Japanese yen	136,45	HKD	Hong Kong dollar	10,3772
DKK	Danish krone	7,4550	NZD	New Zealand dollar	1,5791
GBP	Pound sterling	0,79670	SGD	Singapore dollar	1,6751
SEK	Swedish krona	9,2440	KRW	South Korean won	1 381,25
CHF	Swiss franc	1,2137	ZAR	South African rand	14,3352
ISK	Iceland króna		CNY	Chinese yuan renminbi	8,2446
NOK	Norwegian krone	8,3600	HRK	Croatian kuna	7,6470
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 766,43
CZK	Czech koruna	27,825	MYR	Malaysian ringgit	4,2843
HUF	Hungarian forint	313,72	PHP	Philippine peso	58,876
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	48,5790
PLN	Polish zloty	4,2010	THB	Thai baht	43,022
RON	Romanian leu	4,4435	BRL	Brazilian real	3,0632
TRY	Turkish lira	2,8920	MXN	Mexican peso	17,7284
AUD	Australian dollar	1,4419	INR	Indian rupee	81,9212

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

**Summary of Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

*(Published pursuant to Article 64(9) of Regulation (EC) No 1907/2006 <sup>(1)</sup>)*

(2014/C 260/10)

**Decisions granting an authorisation**

Date of decision	Substance name	Holder of the authorisation	Authorisation number	Authorised use	Date of expiry of review period	Reasons for the decision
7 August 2014	Bis(2-ethylhexyl) phthalate (DEHP) EC No: 204-211-0 CAS No: 117-81-7	Rolls-Royce plc PO Box 31, Derby Derbyshire DE24 OBJ UNITED KINGDOM	REACH/14/1/0	Processing of a stop-off formulation containing DEHP during the diffusion bonding and manufacture of aero engine fan blades	21 February 2022	— Risk is adequately controlled in accordance with Article 60(2) of Regulation (EC) No 1907/2006.  — There are no suitable alternatives at present and search for technically feasible alternatives is ongoing under a 5-10 year research programme.

<sup>(1)</sup> OJ L 396, 30.12.2006, p. 1.

## V

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

## EUROPEAN COMMISSION

**Prior notification of a concentration****(Case M.7291 — Versalis / Novamont)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2014/C 260/11)

1. On 1 August 2014, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings Versalis S.p.A. ('Versalis', Italy), controlled by ENI S.p.A. ('ENI', Italy), and Novamont S.p.A. ('Novamont', Italy) acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control of a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are:
  - Versalis is active in the production and marketing of a wide portfolio of petrochemical products, as well as the sale of licences relating to its technologies and know-how. Versalis is a wholly-owned subsidiary of ENI, an Italian multinational oil and gas company, which operates in a large number of fields including nuclear power, energy, chemicals, plastics and refining,
  - Novamont is an Italian company active in the production of bioplastics based on bioproducts and biodegradable polymers totally or partially obtained from renewable resources.
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 the Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.7291 — Versalis / Novamont, to the following address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.

**Prior notification of a concentration**  
**(Case M.7338 — OJI/INCJ/Rank Group Pulp, Paper & Packaging Business)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2014/C 260/12)

1. On 4 August 2014, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings Oji Holdings Corporation ('OJI', Japan) and Innovation Network Corporation of Japan ('INCJ', Japan) acquire within the meaning of the article 3(1)(b) of the Merger Regulation joint control of the Pulp, Paper & Packaging Business of Rank Group Limited ('PPP Business', New Zealand) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for OJI: manufacture of pulp and paper products,
  - for INCJ: public-private partnership providing financial (growth and risk capital), technological and management support for next-generation businesses,
  - for PPP Business: manufacture of pulp and paper products marketed primarily in New Zealand, Australia and Asia; logistics services and waste paper collection and processing.
3. On preliminary examination, the European 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 the Merger Regulation <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
4. The European Commission invites interested third parties to submit their possible observations on the proposed operation to the European Commission.

Observations must reach the European Commission not later than 10 days following the date of this publication. Observations can be sent to the European Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.7338 — OJI/INCJ/Rank Group Pulp, Paper & Packaging Business, to the following address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.



## 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 260/13)

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>****'Potjesvlees uit de Westhoek'****EC No: BE-PGI-0005-01130 – 10.07.2013****PGI ( X ) PDO ( )****1. Name**

'Potjesvlees uit de Westhoek'

**2. Member State or Third Country**

Belgium

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

Class: 1.2 Meat products

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

General:

'Potjesvlees uit de Westhoek' is a slightly sour meat preparation in jelly containing three types of white meat, i.e. chicken, veal and rabbit. At least 60 % of the product is made up of meat and 40 % of jelly.

Visual:

The light-coloured jelly is transparent and contains both large and small pieces of cooked white meat, possibly with bone. The colour of the meat can range from very bright white to greyish white. Slices of lemon can be used as a garnish. The jelly may contain pieces of onion, carrot, leek or celery.

Organoleptic:

The dominant taste of 'Potjesvlees uit de Westhoek' is that of the cooked white meat and its stock. The jelly has a slightly sour taste.

<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.

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

'Potjesvlees uit de Westhoek' is prepared using the following ingredients:

Meat:

- chicken (maximum of 70 %)
- rabbit (minimum of 15 %)
- veal (minimum of 15 %)

Jelly:

- water
- acidic ingredients: lemon and/or white wine and/or vinegar
- gelatin: a maximum of 100 g per litre of cooking liquid
- aromatic ingredients:
  - the following vegetables are added: onion, carrot, leek and celery
  - the following herbs may be added: thyme, laurel, parsley, cloves, cardamoms, coriander and curry
  - pepper and/or cayenne pepper
  - salt

The preparation does not contain any colouring substances or preservatives.

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

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

All stages in the preparation of 'Potjesvlees uit de Westhoek' are carried out within the defined area:

- the preparation of the stock
- the cooking of the meat
- the preparation of the jelly
- the finishing

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

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### 3.7. *Specific rules concerning labelling*

The label must show the name 'Potjesvlees uit de Westhoek' and the EU logo.

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

The area of production is the 'Westhoek' and the neighbouring coastal municipalities in the Belgian province of West Flanders. The area comprises the following municipalities: Koksijde, Nieuwpoort, De Panne, Veurne, Alveringem, Diksmuide, Koekelare, Poperinge, Vleteren, Lo-Reninge, Houthulst, Kortemark, Heuvelland, Mesen, Ieper, Langemark-Poelkapelle, Staden, Hooglede, Zonnebeke and Wervik.

## 5. Link with the geographical area

### 5.1. Specificity of the geographical area

'Potjesvlees uit de Westhoek' is inextricably linked to the area. It is based on a local household recipe derived from very old jelly dishes. The knowledge of how to make it, which has been handed down by Westhoek housewives over the centuries, has made 'Potjesvlees uit de Westhoek' a typical home-made dish served at fairs. The use of chicken, rabbit and veal suggests a festive preparation which, from the 19th century until after the Second World War, ordinary people could afford only once or twice a year. It was particularly suitable as a dish for summer fairs as it could be prepared in advance in large quantities, while the addition of acidic ingredients imparted a fresh taste and helped to preserve the product.

The adoption of the recipe after the Second World War by local butchers who offered 'Potjesvlees uit de Westhoek' in their shops allowed the dish to develop from a food served at fairs to a high-quality charcuterie product supplied throughout the year by butchers and meat producers alike, both as a sandwich filling and as a meal in its own right.

The Westhoek, near the Belgian coast, is a prime tourist region with a number of strong culinary traditions, including 'Potjesvlees uit de Westhoek'.

### 5.2. Specificity of the product

The result of this age-old local tradition is a highly specific product characterised by its light colour and fresh taste obtained by using:

- only white meat, namely chicken, rabbit and veal
- a clear and light-coloured stock as the basis for the jelly
- vinegar or lemon for the white colour and the taste

This combination of white meat, light jelly and a hint of acidity is particular to the 'Potjesvlees uit de Westhoek' produced in the defined 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)

The link to the geographical area is based on the specific characteristics of 'Potjesvlees uit de Westhoek' derived from the local know-how. 'Potjesvlees uit de Westhoek' and its renown are intrinsically linked to the region and its tourism.

In their 1995 book 'De Belgische keuken' (Belgian cuisine) Dirk De Prins and Nest Mertens drew a link between the household recipe of 'Potjesvlees uit de Westhoek' and the Spanish occupation of Belgium in the 16th century. The cold, sour preparations of river fish known as 'escavèches' in Wallonia and 'Potjesvlees uit de Westhoek' are both closely related to the Spanish 'escabeche'.

Specialists have increased awareness of this household recipe, taking 'Potjesvlees uit de Westhoek' to trade competitions and winning awards at events such as Slavakto in Utrecht (1994) and Meat&Fresh Expo in Belgium (2009).

In order to raise the profile of their traditional product still further, the local butchers decided to set up the trade association 'Orde van het Potjesvlees uit de Westhoek' (Order of the Potjesvlees uit de Westhoek) and to file a joint application for recognition of 'Potjesvlees uit de Westhoek' as a traditional Flemish regional product. This recognition was granted in September 2008.

Although the product is produced on a small scale and is sold mainly in the local area, its specific characteristics and its renown have given 'Potjesvlees uit de Westhoek' an important culinary role in the West Flanders tourist region of the Westhoek. Both Toerisme Vlaanderen, the official Flanders tourism authority, and Westtoer, the Province of West Flanders tourism body, have recognised the significance of 'Potjesvlees uit de Westhoek'.

- Through the association Tafelen in Vlaanderen (Eating out in Flanders), Toerisme Vlaanderen included 'Potjesvlees uit de Westhoek' in its 2011-2012-2013 action plan for the promotion of food, drink and eating out in Flanders.
- The tourist brochure 'West Flanders for Dummies' mentions 'Potjesvlees uit de Westhoek' as a representative product of the Westhoek.
- The provincial site [www.streekproductwestvlaanderen.be](http://www.streekproductwestvlaanderen.be) lists all producers of 'Potjesvlees uit de Westhoek' and jars of the product are included in gift hampers.

In addition, its renown and its significance for tourism are borne out by references in national and international tourist guides. For instance, it is included on a map of regional dishes and products in the 1999 Michelin Tourist Guide 'Belgium/Grand Duchy of Luxembourg', in the 1995 Ippa guide to Belgian regional dishes and in the guide to regional products published by De Rouck in 2008.

The product has featured in a number of specialist Flemish publications such as 'Vlaamse gerechten' (Flemish dishes) from 1975, 'De kleine Culinaire encyclopedie van Vlaanderen' (The short culinary encyclopaedia of Flanders) from 2009 and recently in the 2010 publication 'De oude Belgen in de keuken' (Ancient Belgians in the kitchen).

It has appeared in various programmes on national television: Jeroen Meus, a famous Flemish TV chef, presented the product on the popular late-evening show 'De laatste show' and it has featured in travel programmes on the Westhoek.

References to 'Potjesvlees uit de Westhoek' can also be found on line: on news sites, in recipes, on menus, at fairs, etc.

Although the Westhoek shares this tradition with the neighbouring region of French Flanders, which is known as Nord-Pas-de-Calais in France, the French 'pot'je vleesch' is very different from the recipe used in the Westhoek. In French Flanders pork is always added to the preparation which is browned, sometimes using caramel.

#### **Reference to publication of the specification**

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

<http://lv.vlaanderen.be/nlapps/docs/default.asp?id=180&order>

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<sup>(3)</sup> 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**

(2014/C 260/14)

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 <sup>(1)</sup>.

AMENDMENT APPLICATION

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

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

**AMENDMENT APPLICATION ACCORDING TO ARTICLE 9**

**'GARDA'**

**EC No: IT-PDO-0117-01142 – 06.08.2013**

**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:
  - requirements have been added in order to ensure the product's origin and traceability;
  - information has been added on the product's link to the geographical area which was previously absent from the specification but provided in the summary sheet.

**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 Sheet have 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)

<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.

### 3. Amendment(s):

#### *Use of the designation 'Garda'*

The possibility has been introduced of using the single designation 'Garda' for all the oil obtained in the defined geographical area, thereby eliminating the requirement of using additional geographical references.

#### *Description of product*

The specification has been adapted to current Community legislation by introducing medians for the typical descriptors in accordance with the method provided for in Regulation (EC) No 796/2002 and removing the old method of analysis, which is no longer relevant. In order to make these descriptors comprehensible to consumers, the general organoleptic description of 'Garda' PDO oil has been added.

The total maximum acidity expressed in oleic acid has been harmonised at the more restrictive value of 0,5 % maximum for all the Garda oil; this value was previously required solely for Garda Trentino oil. The fact that this parameter is now uniform will encourage producers even more to make a further commitment to high-quality production.

The maximum peroxide value has been harmonised at a value of 14, a limit which was also previously laid down solely for Garda Trentino production.

The oleic acid value has been eliminated because it does not have any significant relevance to determining the quality of Garda oil; moreover, the results of analyses obtained in recent years have shown that the value of this parameter is not constant and is on average lower than in the past; this seems to be due to the increase in average temperatures and to the sharp reduction in rainfall.

It has therefore been preferred not to maintain the requirement of a minimum value in the product specification.

#### *Method of production*

The oversight regarding the traditional designation 'Frantoio' appearing alongside the Casaliva variety, which was incorrectly omitted from the original 1996 application for Garda Orientale and included for Garda Bresciano and Trentino, has been corrected.

The fact that the designation Frantoio is also used as a traditional name for the olives together with or instead of Casaliva is also confirmed by the varietal lists for the municipalities on the Lake's eastern shore contained in documentation on olive growing from the 1980s.

For the same reason, the designation 'Less' or 'Lezzo', which are old synonyms for Leccino, also need to be corrected by replacing them with 'Leccino'.

The correction of errors will make it possible to establish the following varietal mix for the single designation 'Garda', and for 'Garda Orientale' and 'Garda Bresciano': Casaliva, Frantoio and Leccino, accounting for at least 55 %; other varieties present in the olive groves, accounting for not more than 45 %, may also exist.

This correction does not change the real varietal mix of the olive groves given that it has always reflected the reality of olive production in the municipalities on the eastern shore of Lake Garda and does not give rise to differences in the oil produced, which maintains its uniformity for the entire Garda designation, with there being merely organoleptic differences that can be perceived 'only by experts', as the original 1996 document indicated.

Clarity has been established concerning yields, placing them clearly and definitively within the range of 5 000 to 6 000 kg/ha. The specification had in fact provided for the possibility of increasing olive production yields by 20 %, thus allowing for production to be increased to 6 000 kg/ha already from 1996.

Scientific and historical production data reveal that actual olive production around Lake Garda has achieved yields of up to 6 000 kg/ha and an oil yield of up to 25 %. Agronomic studies from the 1990s showed that irrigation and foliar-feeding techniques allowed higher yields of more than 6 000 kg/ha without any sign of a reduction in the quality of the oil.

Progressive studies on olive tree nutrition have shown that balanced feeding and above all irrigation, combined with rational pruning, allow plants to enter into production early, thereby increasing productivity by hectare and oil yields without impacting on quality.

Production notification procedures have been eliminated because they were based on obsolete regulations or because they are now managed by the inspection body

References to the suitability of olive groves in the various areas for the use of the respective additional geographical references have been eliminated because they are redundant given that their use is already regulated by the article concerning the production area.

References to proof of origin have been inserted into a dedicated article in the specification.

The possibility of oil extraction throughout the geographical area has been provided for with regard to the single 'Garda' designation.

#### *Link*

References to the link with the geographical environment comprising human and historical environmental factors which were not mentioned in the 1996 specification have been included in order to align it with the single document.

#### *Labelling*

Some of the labelling rules have been amended in order to make them clearer and more transparent for producers and consumers alike (character size).

The possibility of indicating the geographical location of olive groves on the label has been introduced in the event that the product is obtained solely from olives harvested from the said groves and if the additional geographical reference is indicated on the label.

Provision has been made for indicating the single 'Garda' designation on the label without any requirement to indicate one of the three additional traditional geographical references (Bresciano, Orientale or Trentino).

The possibility has also been introduced of depicting Lake Garda on the label.

Provision has been made for using metal containers suitable for the marketing of food products. This also improves product conservation.

The use of the designation's logo is now mandatory.

#### *Contact details of the inspection bodies*

Contact details of the inspection body have been introduced.

SINGLE DOCUMENT

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

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

**'GARDA'**

**EC No: IT-PDO-0117-01142 – 06.08.2013**

**PGI ( ) PDO ( X )**

#### **1. Name**

'Garda'

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

## 2. Member State or Third Country

Italy

## 3. Description of the agricultural product or foodstuff

### 3.1. Type of product

Class 1.5. Oils and fats (butter, margarine, oils, etc.)

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

The 'Garda' protected designation of origin, which may optionally be accompanied by the additional geographical references 'Bresciano', 'Orientale' or 'Trentino', is reserved for extra virgin olive oil having the following characteristics:

- a green to yellow colour of varying intensity;
- a fairly or slightly fruity aroma;
- a fruity taste;
- sweet notes and a typical almond after-taste.

Chemical assessment:

- maximum acidity of 0,5 % (expressed as oleic acid);
- maximum peroxides:  $\leq 14$  Meq O<sub>2</sub>/kg;

Organoleptic assessment (IOC method)

Median interval

	Min	Max
— Greenly/riperly fruity	> 0	≤ 6
— Almond	> 0	≤ 5
— Bitter	> 0	≤ 5
— Pungent	> 0	≤ 6

The median of defects in the organoleptic assessment must be zero.

Raw materials (for processed products only)

Extra virgin olive oil of the 'Garda' designation, which may be accompanied by the additional geographical references 'Bresciano', 'Orientale' or 'Trentino', is obtained from the following olive varieties to be found alone or in combination with each other in olive groves, with the following specifications:

- Casaliva, Frantoio and Leccino, accounting for at least 55 %, and other varieties that are also present in olive groves in a proportion not greater than 45 %, for the designations 'Garda', 'Garda Bresciano' and 'Garda Orientale';
- Casaliva, Frantoio, Leccino and Pendolino, accounting for at least 80 %, and other varieties that are also present in olive groves in a proportion not greater than 20 %, for the designation 'Garda Trentino'.

### 3.3. Feed (for products of animal origin only)

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

All of the steps in the production process (growing and harvesting of olives and oil extraction) must take place in the identified geographical area.



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

In order to maintain the product's specific characteristics throughout the production process and guarantee compliance with the quality requirements, 'Garda' oil has always had to be packaged within the area referred to in Article 4. Local producers know exactly how the oil behaves, e.g. filtration and settling times and methods and packaging temperature, in the pre-packaging and packaging phases; packaging in the area at the end of the production process also enables the organoleptic and other characteristics of the oil to be maintained since these would quickly deteriorate in contact with oxygen. Extra-virgin olive oil with the 'Garda' protected designation of origin must be marketed in glass or metal containers of a maximum capacity of 5 litres.

### 3.6. *Specific rules concerning labelling*

The label of the packaged product must indicate the following in clear, indelible letters that are larger than all other writing: 'Garda' and 'Denominazione di Origine Protetta' ('Protected Denomination of Origin') or its acronym 'DOP' ('PDO').

These words may be accompanied on the label with one of the additional geographical references 'Bresciano', 'Trentino' or 'Orientale', but only if the oil has been produced entirely from olives grown in the area in question and pressing and packaging have taken place in the same area.

The geographical location of olive groves may be indicated on the label if the product is obtained solely from olives harvested from the said groves and if the additional geographical reference is indicated on the label.

Names of holdings, estates or farms and their location may be given only if the product was produced exclusively from olives harvested in groves belonging to the holding, estate or farm in question.

It is prohibited to add qualifying adjectives such as 'fine' ('fine'), 'scelto' ('chosen'), 'selezionato' ('selected') or 'superiore' ('superior') to the 'Garda' protected designation of origin. Names, business names, brand names etc. can be used provided they have no laudatory purport and are not such as to mislead the consumer.

A depiction of Lake Garda is permitted.

The year of production of the olives from which the oil was made must be indicated on the label.

The use of the designation logo is mandatory.

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

The area of production of 'Garda' PDO oil is situated in the Provinces of Brescia, Verona, Mantova and Trento and includes land overlooking the Lake Garda basin.

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

### 5.1. *Specificity of the geographical area*

Environmental factors

The Garda olive tree is grown in the valley surrounded by the morainic hills of glacial origin encircling Lake Garda and bordered to the north by the Alps. The exposed terrain towards the lake and to the south is almost entirely given over to olive groves and vineyards. Proximity to the mountains ensures a good distribution of rainfall throughout the year, and particularly in spring and autumn.

Generally speaking, the area's climate, strongly affected as it is by the presence of the large body of water of the Lake and the protection afforded by the mountains, is characterised by hot but not oppressive summers and relatively cold winters; it is mild enough to be defined as a 'mild Mediterranean' climate, with some local micro-climates. The production area of the Garda olive is in fact the most northerly region in the world where olive trees grow. The presence of the Lake reduces the variation in day and night-time temperatures.

## Human and historical factors

The tradition of olive growing in the Garda area forms part of the local way of life and gastronomy and is a component of farm incomes, as has been described in numerous documents.

Historical evidence of man's *savoir-faire* in the Garda olive plantations dates back to the Renaissance, when human intervention helped define the characteristics of the agricultural and general landscape of Lake Garda. It was in that period that the slopes began to be redesigned with complex growing arrangements, becoming genuine terraces overlooking the Lake that were suited to olive growing. The area became famous for this typical landscape, and has been known since 1968 as the 'Olive Riviera'.

In terms of human traditions, it is customary among consumers and producers to use one of the three additional geographical references 'Bresciano', 'Orientale' or 'Trentino' in order to better identify certain very important areas in terms of human and administrative tradition, as the original documents indicated.

## Specificity of the product

Garda oil and the olives from which it is produced are characterised by less intense and more delicate flavours and aromas than those obtained in other, hotter olive-growing areas further south.

Consumers particularly appreciate the delicate, balanced and harmonious taste and the distinctive, slightly almond after-taste, which make the oil unique and easily distinguishable from other Italian PDO oils.

As a result of these unique characteristics, it is used in many recipes in which its delicate flavour does not overpower but rather enhances the taste of the dishes concerned. It is well-suited to fish, white meat, raw and cooked vegetables, pulses, fresh or semi-ripened cheeses, thinly-sliced raw meat ('*carpaccio*'), '*carne salada*' (a type of cured meat) and desserts.

### 5.2. *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 presence of the mountains to the north and the largest lake in Italy make the climate similar to a Mediterranean climate and mitigate the environmental effects which, at this latitude, would be hostile to the development of olive growing. The even distribution of rainfall throughout the year protects the olives from water stress and prevents the formation of stagnant water which would be harmful to the trees and the quality of the oil.

The hilly terrain towards the lake and to the south heats up quickly at the end of the winter, thus allowing the fast recovery of the olive trees' vegetative state. This terrain, together with the 'mild Mediterranean' weather conditions in the Garda area, enable less intense and more delicate flavours and aromas to be obtained in the region's olives and oil than in the typical environmental conditions of hotter regions further south. These climatic and environmental characteristics help give the oil its distinctive fairly or slightly fruity taste and the almond after-taste which makes it unique and easily distinguishable for consumers from other Italian PDO oils.

Moreover, in the various local areas around Lake Garda stretching from the plain to the mountains, specific microclimates exist which, while maintaining the uniformity of the oil's particular characteristics for the entire Garda designation, allow organoleptic differences to emerge which only experts are able to perceive.

The *savoir-faire* of producers at all stages in the production process, from the preparation of land (including traditional terracing) to olive growing and subsequent packaging, allows the specificity of the product, i.e. its sweetness and typical almond after-taste, to be maintained and protected.

**Reference to publication of the specification**

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

This Ministry launched the national opposition procedure by publishing the proposal for amending the 'Garda' PDO in the Official Gazette of the Italian Republic No 135 of 11 June 2013.

The consolidated 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 direct to the home page of the Ministry of Agricultural, Food and Forestry Policy ([www.politicheagricole.it](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'.

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<sup>(4)</sup> See footnote 2.

**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 260/15)

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>.

AMENDMENT APPLICATION

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

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

**AMENDMENT APPLICATION IN ACCORDANCE WITH ARTICLE 9**

**‘BEAUFORT’**

**EC No: EN-PDO-0317-01097 — 22.02.2013**

**PGI ( ) PDO ( X )**

**1. Heading in the specification affected by the amendment**

- Name of product
- Description of product
- Geographical area
- Proof of origin
- Method of production
- Link
- Labelling
- National requirements
- Other: inspections

**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 the public authorities (Article 9(4) of Regulation (EC) No 510/2006)

**3. Amendment(s):**

*Description of product*

The provisions on renneting, cooking and pressing, which do not describe the product, have been moved and are now under the heading ‘Method of production’. The provisions on the fat content and dry matter content have been reworded and the contents have been expressed as percentages (the fat content is calculated on the dry product after complete dessication and the dry matter content is calculated on the aged product).

<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.

The paragraph on the identification of whole cheeses has been moved to point 4.4 of the specification, which deals with the identification of cheeses. The rewording of the text under this heading does not change the substance of the text but makes it easier to understand.

#### *Geographical area*

The presentation of the geographical area has been reworded in order to provide more detailed information on the geographical location of the area.

The only amendment concerns the municipality of 'Les Contamines-Montjoie', for which a list of the cadastral sections of the mountain pastures has been drawn up.

A map of the geographical area has been attached as an annex to this application.

#### *Proof of origin*

Owing to developments in national legislation and regulations, the heading 'Evidence that the product originates in the defined geographical area' has been consolidated and now includes provisions on declaration obligations and on the keeping of registers for tracing the product and monitoring production conditions.

Inspection of the PDO specification 'Beaufort' takes place according to an inspection plan drawn up by an inspection body.

Moreover, this section has been added to and supplemented by several provisions on registers and declarative documents enabling the cheeses' traceability to be guaranteed.

#### *Operator identification:*

A paragraph has been introduced specifying the conditions for identifying the operators.

Any operator wishing to implement this specification must present an identification declaration. The declaration must be addressed to the group prior to its accreditation and it must be made in accordance with a model validated by the Director of the National Institute for Origin and Quality.

#### *Monitoring compliance with the production conditions:*

A number of paragraphs have been added allowing the traceability of the cheeses to be guaranteed and specifying the supporting documents:

- supplementing and adding provisions on declaration requirements,
- supplementing and adding provisions on the keeping of registers and other documents made available to the inspection bodies,
- adding provisions on other means of inspection.

Supplementary information on traceability and the declaration requirements necessary for production reporting and monitoring have been added to the specification.

#### *Identification of products:*

The paragraph has been reworded and supplemented, and the provisions on casein plates have been grouped under this heading.

'Any cheese intended to be marketed under the name "Beaufort" must be identified with an oval-shaped blue casein plate. Its largest diameter must be 100 mm and its smallest must be 55 mm. It must be affixed to the heel of each whole cheese during the first stages of pressing and must bear the following inscriptions in black:

- the word "France",
- the word "Beaufort",
- details identifying the production workshop,
- the month and year of production expressed as numbers.

The day and month of production must appear on both sides of the blue casein plate, and they must remain legible until the end of the minimum ripening period.

The group is the only body authorised to deliver the casein plates to the operators. This is done once a month or, for the summer production period, at the beginning of the period.

Any operator whose accreditation has been suspended or withdrawn must return the casein plates to the group.'

These amendments provide more detailed information on the characteristics of the casein plates, their delivery and their withdrawal as well as on the length of time for which they must remain legible on the cheeses.

#### *Method of production*

The headings regarding the method of production have been amended in order to improve clarity and legibility. The term 'herd' has been defined in more detail. It refers to all lactating and dry dairy cows.

#### *Diet:*

More detailed rules on feeding have been laid down, in particular:

- the use of sugar beet pulp in the feed has been prohibited. This foodstuff may give a bad taste to the milk and cause serious defects in the cheese (butyric).
- copra cakes and palm kernel cakes have been replaced with pumpkin seeds and safflower seeds. The purpose of this change is to replace the cakes with by-products of oilseeds that have a good nutritional value.
- the technical information on the composition of the supplementary feed has been redefined following an update of the scientific references (INRA), and it is often expressed as intervals rather than as target values (PDIE, PDIN, UFL, etc.)
- a provision has been introduced allowing the whey from the processing of the milk of a single herd into cheese to be redistributed to the same herd during the winter period. This is an interesting feed supplement, as it is of nutritional value during the winter period.
- a provision has been added on the minimum grazing period: the dairy cows graze after the snow has melted, as soon as the soil's bearing capacity allows and for as long as the weather conditions, the soil's bearing capacity and the presence of grass allow.
- more detailed information has been provided on a transition period for the change of feed. Between the winter period and the grazing period a transition period of not more than 30 days a year instead of 15 days is allowed in the spring and in the autumn, during which period the maintenance ration must be composed of pasture grass and of hay. This amendment allows the feed plan for the winter period to be adapted to the summer period while taking into account any climate variations.

#### *Milking:*

More detailed information has been introduced prohibiting the use of certain udder care products and disinfectants that might be used to clean milking equipment. The purpose of these amendments is to prohibit the use of products containing essential oils, which have a very strong odour and may give the cheese a bad taste. Furthermore, the provisions on the cleaning of the equipment remove any ambiguity regarding the possibility for occasionally using disinfecting washing preparations.

#### *Processing of the milk:*

Detailed conditions for the raw materials used as ingredients in 'Beaufort' have been laid down, in particular:

- the terms 'raw' and 'renneted', which do not belong in the description of this stage of the process, have been moved to another place under the heading. The rewording contributes to a better understanding of the matter and specifies the conditions for the storage of the milk and the duration of the storage.

- a specification has been introduced on how to manage the input of cooled and uncooled milk, all or half of which is renneted from warm milk — a specific feature of the designation of origin 'Beaufort'. If the input of milk takes place only once a day and consists of cooled and uncooled milk, the milking with the larger volume must not exceed 135 % of the volume of the other milking.
- the principle of collecting the milk within two hours of milking, which is difficult to control, has been replaced with the principle of a maximum renneting period, which is very easy to control and which ensures rapid renneting from warm milk after its arrival at the cheese dairy. Renneting must be carried out before 12 noon for the morning production of cheese and before 23:00 for the evening production.
- a specification has been introduced on the maximum carry-over volume of milk for 'Beaufort' cheeses followed by the indication 'chalet d'alpage'. 'Beaufort' cheeses produced according to the conditions required for the use of the indication 'chalet d'alpage' are manufactured as soon as possible after milking. A maximum of 15 % of the total volume of milk from the two daily milkings may be carried over, after cooling, from one production to the next. Indeed, carrying over a small amount of milk in order to balance the quantities produced in the evening and the following morning is a common and traditional practice in the mountain pasture. The provision provides a framework for this traditional practice by limiting the carry-over to 15 % of the total volume of milk from the two daily milkings without changing the obligation to produce cheese twice a day.
- As the preparation of starters and rennet is one of the specific characteristics of the designation (recuite with added whey acts both as a culture for the starter and helps obtain rennet), a provision has been introduced to limit, if necessary, the use of commercially produced rennet (limited to 30 % of the curdled milk in the vat).

#### Method of preparation:

The paragraph has been reworded in order to clarify the order of the different steps in the preparation of the cheese. The words 'raw and whole' used to describe the milk have been added to this paragraph. The concept of 'cooking' has been specified.

The duration of pressing has been set at a minimum of 15 hours.

#### Ripening:

The paragraph has been reworded in order to provide a better framework for the provisions on the temperature during ripening. The provision on hygrometry has been deleted. Indeed, this measure seemed rather irrelevant and it has been replaced with the obligation to obtain a smear-ripened rind.

More detailed information has been introduced on the smearing, which must be carried out either:

- after the surface-salting of the cheese with coarse salt, by rubbing it with a salt solution called 'morge', which has first been used to rub well-smearred cheeses,
- by turning the cheese, surface salting it with brine and rubbing it regularly.

After this phase, the cheese must continue to be smeared at least once a week in order to maintain the rind.

Owing to the size of the cheeses, the ripening process has been mechanised. As a result, practically all workshops have abandoned the practice of surface-salting the cheeses with coarse salt and instead surface-salt them with brine. Analyses have shown that the levels of salt are essentially the same as previously. The other amendments have been made for editorial reasons but do not reflect any changes in practices.

#### Labelling

The obligation to affix the European Union 'PDO' symbol has been introduced.

#### National requirements

In the light of changes to national legislation and rules, the 'National requirements' heading now contains a table indicating the main items to be checked, their reference values and the evaluation methods to be used.

*Other*

Analytical and organoleptic checks on the cheeses: Provisions have been introduced on analytical and organoleptic checks on the products.

References to inspection bodies: This part has been updated with the contact details of the certifying body for the PDO.

SINGLE DOCUMENT

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

**on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(3)</sup>**

**‘BEAUFORT’**

**EC No: EN-PDO-0317-01097 — 22.02.2013**

**PGI ( ) PDO (X)**

**1. Name**

‘Beaufort’

**2. Member State or Third Country**

France

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

**3.1. Type of product**

Class 1.3. Cheeses

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

‘Beaufort’ is a cheese manufactured, using a hard-cheese pressing technique, exclusively from whole cream cow’s milk which is taken in its raw state. It is salted in brine and then salted on the surface and ripened for at least five months.

The cheese itself is soft and creamy, ranging from ivory to pale yellow in colour, and can exhibit some fine horizontal slit eyes and small holes (‘bird’s eyes’). The cheeses are flat with a concave heel, weigh 20 to 70 kg, have a diameter of between 35 and 75 centimetres and a height at the outer rim of between 11 and 16 centimetres. The rubbed rind is clean, solid and uniformly yellow to brown in colour. ‘Beaufort’ contains at least 48 % of fat after complete desiccation and a dry matter content that must not be less than 61 grams for every 100 grams of ripened cheese

Any cheese intended to be marketed under the name of ‘Beaufort’ must be identified with a blue, oval-shaped casein plate and traceability information printed in food-grade ink. In addition to the blue casein plate, ‘Beaufort’ cheeses produced under the specific conditions applicable for use of the description ‘chalet d’alpage’ must bear an additional square red casein plate placed on the heel of the cheese opposite the blue casein plate.

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

The milk used to produce the cheese must come exclusively from dairy herds consisting of cows of the local Tarine (another local name for the Tarentaise breed) and Abondance breeds which either correspond to the criteria laid down in the main section of the herd-book or have been authenticated on the basis of recognised phenotypical characteristics.

The raw materials used in manufacturing ‘Beaufort’ are:

— raw whole-cream milk

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



- either obtained from uncooled milk after each milking,
- or obtained from the mixing of milk from two consecutive milkings within 20 hours of the first milking, the milk of which was cooled on the farm, whereas the milk from the most recent milking must be uncooled;
- rennet obtained by the maceration of the whey in recuite. If need be, additional commercially produced rennet may be used, though it is limited to 30 % of the curdled milk in the vat;
- starter which is thermophilic and made up mostly of lactobacilli. Recuite with added whey which acts both as a culture for the starter and helps obtain rennet;
- salt provided by an initial salting of 24 hours in brine and then another using coarse salt or brine during the ripening process.

The use of any other product for the manufacture of 'Beaufort' is prohibited.

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

The herds' feed comprises:

- during the winter period, at least 13 kg of hay per cow per day on average for the dairy herd, to which 3 kg of ground dehydrated lucerne may be added. The supplementary feed may not exceed a third of the weight of the average maintenance ration for the lactating dairy herd. Compound feeds are energy- and protein-rich feeds and production concentrates with a 16 % total nitrogenous content. The compound feeds come from defined species and non-GMO varieties and must exhibit the following technical characteristics: 0,89 of feed unit for lactation (UFL) per kilogram, 95 grams of ruminally degradable nitrogen (PDIN) and 125 grams of metabolisable protein supply (PDIE).
- During the grazing season: the dairy cows graze after the snow has melted, as soon as the soil's bearing capacity allows and for as long as the weather conditions, the soil's bearing capacity and the presence of grass allow.

In the valley the complementary feed is the same as in the winter period and amounts to 2,5 kg per day per lactating cow on average for the dairy herd. In the mountain pasture, the complementary feed is at most 1,5 kg per lactating cow per day on average for the herd, and before 1 August it consists solely of cereals.

- between the winter period and the grazing period a transition period of at least 30 days a year is allowed, during which the maintenance ration is composed of pasture grass and of hay.

Fodder is only brought in from outside the area for contingency purposes. At least 75 % of the dairy herd's needs for hay and pasture are supplied from within the geographical area, so that at least 75 % of the milk produced comes from fodder produced in the area. At least 20 % of the dairy cows' annual need for hay is supplied from within the geographical area.

The pastures are subject to traditional herd management and have manure spread on them. The application of sewage slurry or its by-products on fields, pastures and mountain pastures used in the production of 'Beaufort' is prohibited.

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

Milk production, cheese manufacture and cheese ripening of a least five months in duration are carried out in the geographical area.

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

If the cheese is sold in pre-packaged pieces, each piece must have part of the designation's distinctive rind; however, the rind may be free of cheese smear. If the cheese is marketed after being grated, use of the designation 'Beaufort' is prohibited.

#### 3.7. *Specific rules concerning labelling*

The labelling of cheeses with the designation of origin 'Beaufort' must include:

- the name of the designation in characters at least two-thirds the size of the largest characters on the label,
- the European Union's AOP [PDO] symbol.

No other qualifiers or indications may be placed with the designation of origin on the label, in marketing material, on invoices or in commercial documents, with the exception of:

- specific brand names or trademarks;
- some terms: 'été' and 'chalet d'alpage', which may be used under the following conditions:

'été' is used to designate cheeses made from June to October inclusive, including cheeses made from Alpine milk.

'chalet d'alpage' is used to designate cheeses made from June to October inclusive twice a day in an Alpine chalet at an altitude greater than 1 500 m in accordance with traditional methods and which comprise, at most, the milk produced from a single herd in the chalet.

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

The 'Beaufort' production region covers the high mountain area of the department of Savoie and includes the Beaufortain, Val d'Arly, Tarentaise and Maurienne massifs and two adjacent sectors in Haute Savoie.

The milk is produced and the cheese is manufactured and ripened in the geographical area comprising the following municipalities:

##### **Department of Savoie:**

*Albertville district:*

Entire cantons: Aime, Beaufort, Bourg-Saint-Maurice, Bozel, Moûtiers.

Parts of cantons:

Canton of Ugine: La Giétaz, Flumet, Notre-Dame-de-Bellecombe, Crest-Voland, Cohennoz, Saint-Nicolas-la-Chapelle.

Canton of Albertville: Rognaix, La Bâthie, Cevins, Saint-Paul-sur-Isère, Esserts-Blay, Tours-en-Savoie.

Part of the following municipality: Albertville comprising the cadastral sections E2, E3 and E4.

*District of Saint-Jean-de-Maurienne:*

Entire cantons: La Chambre, Lanslebourg-Mont-Cenis, Modane, Saint-Jean-de-Maurienne, Saint-Michel-de-Maurienne.

Parts of cantons: Canton of Aiguebelle: Montsapey.

##### **Department of Haute-Savoie:**

*Bonneville district*

Parts of cantons:

Canton of Sallanches: Praz-sur-Arly.

Canton of Saint-Gervais-les-Bains: part of the following municipality: Contamines-Montjoie comprising the cadastral sections D8 (partially), E6, E7, E8 (partially), F5 (partially), F6 (partially), F8 (partially), F9, F10, F11, F12, F13.

## 5. Link with the geographical area

### 5.1. Specificity of the geographical area

Natural factors:

The natural environment associated with the designation 'Beaufort' is characterised by the massifs of the Internal Alps, as defined principally by compact internal crystalline massifs, as well as sedimentary rocks in the Briançonnaise zone and, in part, external crystalline massifs in which may be present soft shale-type sedimentary rock.

Forming an interface between the Northern and the Southern Alps, as strictly defined, the geographical area of the designation of origin, where permanent grasslands cover 95 % of the area used by the cheese-making sector, makes the most of these advantages:

- sufficiently high (though not too heavy) rainfall and deep soils allowing an abundant production of grass that is nourishing enough for the raising of dairy cows;
- diversified flora rich in aromatic plants that is comparable to that of dry grassland.

The geographical area of the designation of origin 'Beaufort', which covers the Beaufortain massif, the valleys of Tarentaise, Maurienne and a part of Val d'Arly, is characterised by extensive mountain pastures (92 % of the pastoral units of Savoie).

Human factors:

Pastoral practices have developed on these mountain pastures which are not followed on the same scale elsewhere in the Alps either individually or as a whole and which constitute a single system. This system is characterised by a multi-tiered use of vegetation involving the complementary use of a valley floor, a slope and a mountain pasture. People and animals follow the growth of grass, and the daily presence of people enables on-site milking and the management of grass in a particular way that helps maintain the natural pastures.

The agri-pastoral system in place since the 17th century has moved with the times but remains faithful to its principles.

The mountain pastures used during 100-110 days in the summer period comprise:

- the high mountains, which are host to a large herd (50-150 dairy cows). A pathway has been built to the mountain pasture and within it, making it possible for mobile milking machines to follow the herd, which travels over a distance of 1 500 m to 2 500 m to follow the growth of grass. The herd is composed of several regrouped herds;
- the lower mountains, smaller in size and with a lower range of altitude, where the herds of individual families graze. Milking used to be carried out in chalets, though this practice is becoming rarer.

The milk (in particular in the high mountains) may be processed on the spot, but most of it is collected by workshops, which process milk all year long on valley floors (85 to 90 % of the production). The herds spend the winter in these valleys. Hay is made in the areas which the herds leave during the summer.

In between the valleys and the mountain pastures there is an intermediate area called 'montagnette', where the herds stay for a while in the spring and the autumn.

The production area is characterised by a tradition of cattle farming involving cows of the Tarine (another local name for the Tarentaise breed) and Abondance breeds. In fact, the Tarentaise Valley is the birthplace of the Tarine breed. In 1963 E. Quittet gave the following description: 'the Tarentaise breed exhibits remarkable endurance and resistance to the most difficult conditions of life, owing to a large extent to the way it lives (spending periods in summer on mountain pasture at altitudes of between 1 500 and 2 000 metres). It remains in good condition for a long time, despite regular calvings. It possesses the remarkable ability to utilise roughage during the winter period, while still producing acceptable milk yields. The Tarentaise is an excellent milker, especially in harsh climates.'

The high fat content of the 'Beaufort' distinguishes it from other hard pressed cheeses. The technique developed in the early 17th century to make hard pressed cheeses spread rapidly to all mountain sectors in eastern France. It became possible for people in the 'Beaufort' region to wait until winter before marketing and consuming the milk produced in large quantities in the mountain pastures during the summer. This technique was created out of necessity but later acquired distinct characteristics directly linked to the environment (use of whole-cream milk and ripening in a cool cellar).

### 5.2. Specificity of the product

'Beaufort' can be distinguished from all other hard pressed cheeses, owing in particular to:

- the use of raw whole-cream milk in its manufacture straight after milking;
- the use of a wooden mould known as a 'cercle à Beaufort', which gives the cheese a concave heel;
- the use of traditional processing techniques (the use of wild strains of starter and the hooping of the cheese in linen cloth and the 'cercle à Beaufort', which requires the cheese to be turned over a number of times during pressing), in particular inoculation by means of thermophilic lactobacilli cultivated by the cheesemaker;
- a paste completely or nearly without openness owing to the ripening in a cool cellar.

One of the particular organoleptic characteristics of 'Beaufort' is that the paste initially feels firm in the mouth but then melts without being excessively sticky. It must have diverse aromas that are not too strong.

### 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 environmental particularities described have resulted in a very rich flora and a very diverse range of plant groups. All of the phytosociological groupings of lawns, dwarf shrub heaths and sandy heaths used in Alpine grazing can be found there.

According to several studies, for example Dorioz et al. (2000), Dorioz 1995; Inra, 1994, Dorioz and Van Oort, 1991, Legros et al., 1987, and Dorioz, 1995, the lawns present extreme variability and diversity, with a total of 250 to 300 species. Depending on the direction and the angle of inclination of the slopes and the types of soil, it is possible to encounter during a single cow-day a very varied supply of fodder.

This particularly appetising flora is prone to exhibiting a mix of aromas that manifests itself in the very particular and characteristic gustative qualities of 'Beaufort' (Dumont and Adda 1978, Buchin et al. 1999 and Asselin et al. 1999 in Dorioz et al. 2000).

The pastoral system is based on exploiting this great floral richness using herds composed of the local breeds Tarine and Abondance, which are managed with the help of pastoral practices entirely adapted to the environment. Furthermore, the processing of warm milk allows for the preservation of the milk's original qualities linked to the floral diversity. This is in keeping with the production of a fat cheese, where the milk is not skimmed and wild strains of starter are used. The use of a convex hoop enables adaptation to the significant variations in the quantities of milk produced in the mountain pasture, maintenance of the temperature within the interior of the cheese during pressing and the stability of the cheese's form. The ripening of the cheese in a cold cellar, an essential step for ensuring its quality, is the stage where the climatic conditions are the closest possible to those experienced at the high-altitude sites of production and is entirely consistent with the manufacture of a fatty cheese.

The production and processing techniques, taken as a whole, constitute a coherent system linked to the particularities of the product, which allows for a diversity of aromas arising from the particular flora to be expressed right through to the final product.

### Reference to publication of the specification

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

<https://www.inao.gouv.fr/fichier/CDCBeaufort.pdf>

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(\*) See footnote 2.

**Closure of complaint CHAP (2010) 723**

(2014/C 260/16)

The European Commission has received numerous complaints concerning the mobility of staff working in the public health service in Navarre (Spain). The persons concerned cannot be appointed to positions in the public health service of other Spanish regions on account of a difference in the staff regulations applicable to employees in the regions concerned.

It is clear from the case-law of the Court of Justice of the European Union that the Community rules concerning the freedom of movement for workers, and in particular Article 45 TFEU, do not apply to situations which bear no relationship to those governed by Community law or where all the elements of such situations are purely internal to the individual Member State <sup>(1)</sup>.

The situation described in these complaints concerns mobility between the various public health services existing within the territory of Spain, and does not, in principle, have any cross-border implications. Consequently, the EU rules referred to above do not apply. The issues raised by the complainants need to be examined in the light of the Spanish legislation applicable before the administrative or judicial instances concerned.

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<sup>(1)</sup> Judgment of the Court of Justice of 16 December 1992 in Case C-206/91 Koua Poirrez.





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