Official Journal of the European Union

C 145

English edition

Information and Notices

Volume 58

1 May 2015

Contents

II *Information*

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

IV *Notices*

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

EN

(1) Text with EEA relevance

(1) Text with EEA relevance

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration

(Case M.7590 — Berkshire Hathaway/Detlev Louis Motorrad Vertriebsgesellschaft)

(Text with EEA relevance)

(2015/C 145/01)

On 23 April 2015, 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 ([1]). 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 32015M7590. EUR-Lex is the online access to the European law.

([1]) OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration

(Case M.7476 — Holtzbrinck Publishing Group/Springer Science+Business Media GP Acquisition SCA/JV)

(Text with EEA relevance)

(2015/C 145/02)

On 31 March 2015, 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 ([1]). 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 32015M7476. EUR-Lex is the online access to European law.

([1]) OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates [1]

30 April 2015

(2015/C 145/03)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,1215	CAD	Canadian dollar	1,3480
JPY	Japanese yen	133,26	HKD	Hong Kong dollar	8,6925
DKK	Danish krone	7,4631	NZD	New Zealand dollar	1,4727
GBP	Pound sterling	0,72670	SGD	Singapore dollar	1,4815
SEK	Swedish krona	9,3261	KRW	South Korean won	1 202,48
CHF	Swiss franc	1,0486	ZAR	South African rand	13,2413
ISK	Iceland króna		CNY	Chinese yuan renminbi	6,9568
NOK	Norwegian krone	8,3845	HRK	Croatian kuna	7,5715
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	14 547,71
CZK	Czech koruna	27,430	MYR	Malaysian ringgit	3,9895
HUF	Hungarian forint	302,81	PHP	Philippine peso	50,088
PLN	Polish zloty	4,0250	RUB	Russian rouble	57,6465
RON	Romanian leu	4,4183	THB	Thai baht	36,976
TRY	Turkish lira	2,9815	BRL	Brazilian real	3,3232
AUD	Australian dollar	1,4161	MXN	Mexican peso	17,0894
			INR	Indian rupee	71,2153

[1] *Source*: reference exchange rate published by the ECB.

Opinion of the Advisory Committee on mergers given at its meeting of 29 September 2014 regarding a draft decision relating to Case M.7000 — Liberty Global/Ziggo

Rapporteur: Hungary

(2015/C 145/04)

Concentration

1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration within the meaning of Council Regulation (EC) No 139/2004.

2. The Advisory Committee agrees with the Commission that the notified operation has a Union dimension pursuant to Article 1(2) of the Merger Regulation.

Relevant markets

3. The Advisory Committee agrees with the Commission's definitions of the relevant product and geographic markets in the draft decision.

4. In particular, the Advisory Committee agrees with the Commission that, for the purpose of assessing the proposed concentration, the following markets should be distinguished:

   (a) the Dutch market for licensing/acquisition of broadcasting rights for TV content;

   (b) the Dutch market for wholesale supply and acquisition of Basic Pay TV channels and the Dutch market for wholesale supply and acquisition of Premium Pay TV channels;

   (c) the Dutch market for retail provision of TV services;

   (d) the Dutch market for retail provision of fixed telephony/voice services;

   (e) the Dutch market for retail provision of fixed internet access services;

   (f) the Dutch market for retail provision of mobile telecommunication services to end customers.

Competitive assessment

5. The Advisory Committee agrees with the Commission that the proposed concentration raises concerns as to its compatibility with the internal market or a substantial part thereof:

   (a) with respect to the horizontal overlap between the parties' activities on the market for the wholesale supply and acquisition of Premium Pay TV (film) channels (supply side) in the Netherlands;

   (b) with respect to the vertical relationship between the market for the wholesale supply and acquisition of Premium Pay TV (film) channels (supply side) in the Netherlands on the one hand, and the downstream market for the retail supply of (Pay) TV services in the Netherlands, on the other hand;

   (c) with respect to the horizontal overlap between the parties' activities on the markets for the supply and acquisition of Basic and Premium Pay TV channels (acquisition side), which would lead to the prevention, delay or hampering of OTT audiovisual services.

6. The Advisory Committee agrees with the Commission's assessment that there is no need to come to a final decision on whether the proposed concentration is likely to lead to a significant impediment of effective competition in respect of Dutch-language first and second Pay TV window content, competing thematic TV channels and internet network access in the Netherlands, since the commitments proposed by the Notifying Party will also address any potential concerns related to these.

Remedy

7. The Advisory Committee agrees with the Commission that the commitments are sufficient to remove the concerns raised by the proposed concentration as to its compatibility with the internal market or a substantial part thereof:

   (a) with respect to the horizontal overlap between the parties' activities on the market for the wholesale supply and acquisition of Premium Pay TV (film) channels (supply side) in the Netherlands;

   (b) with respect to the vertical relationship between the market for the wholesale supply and acquisition of Premium Pay TV (film) channels (supply side) in the Netherlands on the one hand, and the downstream market for the retail supply of (Pay) TV services in the Netherlands, on the other hand;

(c) with respect to the horizontal overlap between the parties' activities on the markets for the supply and acquisition of Basic and Premium Pay TV channels (acquisition side), which would lead to the prevention, delay or hampering of OTT audiovisual services.

8. The Advisory Committee agrees with the Commission that, subject to full compliance with the commitments offered by the parties, and all commitments considered together, the proposed concentration is unlikely to significantly impede effective competition in the internal market or in a substantial part thereof.

9. The Advisory Committee agrees with the Commission's view that the proposed concentration should be declared compatible with the internal market and the EEA Agreement in accordance with Articles 2(2) and 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.

Final Report of the Hearing Officer [1]

Liberty Global/Ziggo

(M.7000)

(2015/C 145/05)

1. On 14 March 2014, the European Commission (the 'Commission') received a notification of a proposed transaction by which Liberty Global plc ('Liberty Global') will acquire sole control over Ziggo N.V. ('Ziggo') within the meaning of Article 3(1)(b) of the Merger Regulation [2] by way of a public bid ('the Proposed Transaction').

2. The Proposed Transaction has an EU dimension within the meaning of Article 1(2) of the Merger Regulation.

3. On 25 March 2014, the Netherlands via its Authority for Consumers and Markets ('ACM') requested a full referral of jurisdiction over the Proposed Transaction from the Commission to the Netherlands under Article 9(2)(a) of the Merger Regulation. On 25 June 2014, the Commission adopted a decision pursuant to Article 9(3) of the Merger Regulation rejecting the referral request.

4. On 8 May 2014, considering that the Proposed Transaction raised serious doubts as to its compatibility with the internal market and the functioning of the EEA Agreement, the Commission adopted a decision initiating proceedings pursuant to Article 6(1)(c) of the Merger Regulation.

5. On 14 May 2014, in accordance with Article 10(3), second subparagraph, of the Merger Regulation, the Commission extended the period for reviewing the Proposed Transaction by 20 working days.

6. After the in-depth market investigation, the Commission found that the Proposed Transaction would be likely to significantly impede effective competition in relation to the market for the wholesale supply and acquisition of Premium Pay TV channels and in connection with the increased buying power of the merged entity vis-à-vis TV broadcasters in the markets for the wholesale supply and acquisition of Premium and Basic Pay TV channels in the Netherlands.

7. In order to address the competition concerns identified by the Commission, Liberty Global submitted commitments on 14 July 2014. The Commission launched a market test on the commitments and concluded that improvements were needed to remove the competition concerns.

8. After Liberty Global failed to respond to a request for information, on 1 August 2014, the Commission adopted a decision under Article 11(3) of the Merger Regulation. The decision suspended the period for reviewing the Proposed Transaction from 4 August until 19 August 2014, when Liberty Global responded to the request for information.

9. On 22 August 2014, a revised set of commitments was submitted by which Liberty Global agrees to the divestment of the activities of the Premium Pay TV channel Film1 and to certain obligations aimed at ensuring that TV broadcasters are able to offer content via over-the-top (OTT) services in the Netherlands.

10. On the basis of the revised commitments, the draft decision declares the Proposed Transaction compatible with the internal market and the EEA Agreement, subject to conditions and obligations intended to ensure that Liberty Global complies with these commitments.

11. Pursuant to Article 16 of Decision 2011/695/EU, I have examined whether the draft decision deals only with objections in respect of which the parties have been afforded the opportunity of making known their views. I conclude that it does.

---

[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) ('Decision 2011/695/EU').

[2] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 24, 29.1.2004, p. 1) (the 'Merger Regulation').

12. I have not received any procedural request or complaint from any party. Overall, I conclude that all parties have been able to effectively exercise their procedural rights in this case.

Brussels, 30 September 2014.

Wouter WILS

Summary of Commission Decision

of 10 October 2014

declaring a concentration compatible with the internal market and the functioning of the EEA Agreement

(Case M.7000 — Liberty Global/Ziggo)

(notified under document C(2014) 7241)

(Only the English version is authentic)

(Text with EEA relevance)

(2015/C 145/06)

On 10 October 2014 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings [1]*, and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/comm/competition/index_en.html*

I. THE PARTIES

(1) Liberty Global plc ('Liberty Global' or the 'Notifying Party'), is an international cable operator. It owns and operates cable networks offering TV, broadband internet, fixed telephony and mobile telecommunications services in 12 European countries. Liberty Global is active in the Netherlands primarily through UPC, which owns and operates a cable network in the country. Liberty Global also distributes the Sport1 and Film1 TV channels in the Netherlands. Liberty Global is expanding its mobile telecoms business by launching Mobile Virtual Network Operator ('MVNO') offers across Europe, including in the Netherlands, where Liberty Global recently entered the Dutch mobile telecoms market.

(2) Ziggo N.V. ('Ziggo', together with Liberty Global the 'Parties') owns and operates a broadband cable network that spans more than half of the Netherlands. Ziggo provides digital and analogue cable video, broadband internet, mobile telecoms and digital telephony (Voice over internet Protocol, or 'VoIP') services. Ziggo controls jointly with HBO the full-function joint venture HBO Nederland Coöperatief U.A. ('HBO Nederland'). HBO Nederland operates three HBO-branded Pay TV channels and related Video-On-Demand ('VOD') services, offering films, exclusive TV shows and other entertainment content. These channels are distributed on a wholesale basis to retail Pay TV suppliers in the Netherlands.

II. THE OPERATION

(3) On 14 March 2014, the Commission received a formal notification pursuant to Article 4 of the Merger Regulation by which Liberty Global acquires within the meaning of Article 3(1)(b) of the Merger Regulation, sole control over Ziggo.

(4) Liberty Global is currently the largest minority shareholder in Ziggo with a shareholding of 28,5 %. Pursuant to an agreement between Liberty Global and Ziggo dated 27 January 2014, Liberty Global will launch a public bid for the remaining shares in Ziggo. If the bid is successful, Liberty Global will have sole control over Ziggo.

(5) The merger therefore constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.

III. THE PROCEDURE

(6) The transaction was notified to the Commission on 14 March 2014. On 8 May 2014, the Commission found that the transaction raised serious doubts as to its compatibility with the internal market and adopted a decision to initiate proceedings pursuant to Article 6(1)(c) of the Merger Regulation.

[1] OJ L 24, 29.1.2004, p. 1.

(7) On 25 March 2014, the Commission received a request from the Netherlands to refer the whole of the case to the Dutch Authority for Consumers and Markets pursuant to Article 9(2)(a) of the Merger Regulation. After the initiation of proceedings by means of the Article 6(1)(c) decision, the Netherlands sent a reminder of its referral request on 15 May 2014. On 25 June 2014, the Commission adopted a decision pursuant to Article 9(3) of the Merger Regulation, refusing the request.

(8) On 14 July 2014, Liberty Global submitted commitments to the Commission. Following the results of the market test on those commitments, Liberty Global provided a new version of its commitments in order to take account of the comments received during the market test. On 22 August 2014, Liberty Global submitted final commitments that render the transaction compatible with the internal market.

IV. **EXPLANATORY MEMORANDUM**

A. **The relevant product markets**

(9) In line with previous Commission decisions concerning the markets for TV [1] and telecommunication services [2] (fixed voice, mobile telecom services and fixed internet access services) and the Notifying Party's view, the relevant product markets can broadly be delineated as follows:

(a) the market for licensing/acquisition of broadcasting rights for individual audio visual content;

(b) the wholesale market for supply and acquisition of Pay TV channels, which can be further segmented into the market for Basic Pay TV channels and the market for Premium Pay TV channels;

(c) the retail market for provision of TV services;

(d) the retail market for provision of fixed voice services;

(e) the retail market for provision of fixed internet access services;

(f) the retail market for provision of mobile telecommunication services;

(g) the possible market for multiple play services.

(10) The details on the definition of the markets listed under (b), (c), (d), (e), (f) and (g) which are primarily and horizontally and/or vertically affected in this case, are set out below.

Wholesale markets for supply and acquisition of Pay TV channels and for supply and acquisition of Premium Pay TV channels

(11) In previous decisions [3], the Commission found that there is a separate wholesale market for the supply and acquisition of TV channels. This is the market on which providers of retail TV services, some acting as channel aggregators, acquire TV channels from TV broadcasters in order to offer these channels to end users via different distribution infrastructures. In previous decisions, the Commission identified also two separate markets for Free-to-Air ('FTA') channels and for Pay TV channels within the overall market for supply and acquisition of TV channels. In its previous decisions, the Commission also examined, but ultimately left open, whether the market for Pay TV channels should be further segmented into wholesale markets for Basic Pay TV channels and Premium Pay TV channels.

(12) In this case, the Commission assessed whether Basic Pay TV channels and Premium Pay TV channels constitute separate markets. Following the results of the investigation in this case, the Commission concluded that given the differences in content offering, pricing conditions and size of audience attracted between Basic and Premium Pay TV channels, and for the purposes of this case, Basic Pay TV channels and Premium Pay TV channels belong to separate product markets.

---

[1] Commission's decision of 26 August 2008 in Case COMP/M.5121 — News Corp/Premiere, paragraph 35; Commission's decision of 18 July 2007 in Case COMP/M.4504 — SFR/Télé 2 France, paragraphs 27-36; Commission's decision of 21 December 2011 in Case COMP/M.6369 — HBO/Ziggo/HBO Nederland, paragraphs 18-21.

[2] Commission's decision of 29 June 2009 in Case COMP/M.5532 — Carphone Warehouse/Tiscali UK, paragraph 35; Commission's decision of 20 September 2013 in Case COMP/M.6990 — Vodafone/Kabel Deutschland, paragraph 131.

[3] Commission's decision of 21 December 2010 in Case COMP/M.5932 — News Corp/BskyB, paragraphs 76 and 85; Commission's decision of 21 December 2011 in Case COMP/M.6369 — HBO/Ziggo/HBO Nederland, paragraph 22.

(13) In line with previous Commission decisions and the Parties' view, the geographic scope of the above markets, that is to say the markets for supply and acquisition of TV channels and of Premium Pay TV channels, is national, that is to say it corresponds to the territory of the Netherlands.

Retail markets for the provision of TV services, fixed voice services, fixed internet services and possible retail market for multiple play services

(14) On these markets, retail providers offer TV services, fixed voice and fixed internet access services to end consumers. The Commission considers that there are distinct retail markets for: (i) TV services; and (ii) fixed telephony/voice services without further sub-segmenting these markets by distribution infrastructure or type of customer. In light of the results of the investigation in this case, the Commission concluded in this case that within the retail market for provision of internet access services separate markets for mobile internet and for fixed broadband internet can be distinguished. The Commission also assessed whether a separate market for the provision of multiple play ([1]) services exists in the Netherlands but ultimately left the exact market definition open.

(15) In line with previous Commission decisions, the Commission considers that the geographic scope of the relevant retail markets for provision of TV services, fixed voice/telephony, fixed broadband internet and possible multiple play services is national.

B. **Competitive assessment**

(16) Following the in-depth investigation, the Commission concluded that it no longer has concerns in respect of the market for licensing/acquisition of broadcasting rights for individual audio visual content or the possible market for the licensing/acquisition of Dutch-language audio visual content. The Commission no longer has concerns also as regards the possible coordinated and non-coordinated effects arising on the retail markets for the supply of TV, fixed broadband internet, fixed telephony, and multiple play services.

(17) However, the Commission concluded that the transaction is unlikely to be compatible with the internal market in respect of the markets for the wholesale supply and acquisition of Premium Pay TV (film) channels (supply side) and the markets for the supply and acquisition of Basic and Premium Pay TV channels (acquisition side).

1. *Wholesale market for supply and acquisition of Premium Pay TV channels — horizontal concerns (supply side)*

(18) Post-transaction the merged Liberty Global/Ziggo entity would control three out of the four Premium Pay TV channels in the Netherlands (comprising Film1, HBO Nederland, Sport1 and Fox Sports) and would own the only two Premium Pay TV film channels in the country — Film1 and HBO. The Commission concluded that this would give scope to the merged entity to increase the wholesale price of these two channels towards competing retail TV operators.

(19) In this regard, the Commission found that: (i) the fact that Time Warner/HBO would still jointly control HBO Nederland does not prevent such an increase in wholesale price; (ii) although both Premium Pay TV film channels offer inherently (largely) complementary content, they exert significant competitive pressure on one another; and (iii) the potential competitive pressure exerted by providers of Video on Demand ('VOD') services such as Netflix and RTL's Videoland are not sufficient to constrain the merged entity, as such non-linear services do not currently constitute an adequate substitute to the merged entity's linear Premium Pay TV channels.

2. *Wholesale market for supply and acquisition of Premium Pay TV channels — vertical concerns (supply side)*

(20) The Commission considers that post-transaction the merged entity would have the ability and the incentive to engage in an input foreclosure strategy in relation to its Film1 channel, in particular by refusing to provide access to this channel to its retail competitors (complete foreclosure), or by degrading the conditions at which it is offered to them (partial foreclosure).

([1]) Multiple play offerings comprise a bundle of usually three or more of the following retail services to customers: TV services, fixed telephony services, fixed internet access services, mobile telephony services.

(21) The ability to foreclose Film1 results from the merged entity's strong position on the upstream market where it would control the only two Premium Pay TV film channels that are considered 'must-have' inputs by Pay TV retailers. As regards the incentive to completely foreclose, the Commission found that such a strategy is likely to be profitable. The margin currently enjoyed by the Notifying Party at the retail level by far exceeds the margin at the upstream level and a significant part of the demand for Film1 is likely to be diverted to the merged entity in case of foreclosure. Accordingly, the Commission found that only a limited degree of successfully diverted downstream demand would allow offsetting lost upstream profits. Similarly, the Commission's analysis of economic data shows that the merged entity will likely have the incentive to engage in partial foreclosure. Both types of foreclosure would likely increase retail prices both of the merged entity and the competing retail Pay TV operators. As regards partial foreclosure, this is particularly likely given that the Commission established that the proposed transaction is unlikely to allow any significant elimination of double marginalisation that could outweigh potential retail price increases made by partially foreclosed rival providers of Film1.

3. *Wholesale supply of Pay TV channels — horizontal concerns (acquisition side)*

(22) The merged entity's market share on the overall segment for the supply and acquisition of all Pay TV channels in the Netherlands will amount to more than 50 % post-transaction, thus increasing the degree of buyer power currently enjoyed by the Parties individually. The Commission considers that the latter share is even likely to understate the degree of buyer power that the merged entity would have on this segment, given that it would have a far more significant market position downstream, namely on the market for the retail provision of Pay TV services.

(23) The Commission notes that the acquisition of linear Pay TV channels and the provision of overt-the-top audio visual services ('OTT TV') are typically negotiated jointly with TV broadcasters. OTT TV has recently seen significant developments in the Netherlands with the launch of several online VOD services (Netflix, NLZiet, NPO Plus and RTL Videoland). If OTT TV were to further develop into a full substitute to the merged entity's Pay TV offering, final consumers could benefit greatly from the resulting cross-platform competition. The Commission's investigation has however shown that, in some instances, the Notifying Party has concluded with TV broadcasters agreements for Pay TV channels that contain significant restrictions on the broadcasters' ability to provide OTT TV. TV broadcasters have so far been able to resist, to a certain extent, the inclusion of such OTT restrictions, partly because of Ziggo's more lenient policy in this respect.

(24) In these circumstances, the Commission considers that the merged entity's increased market power held as a purchaser of Pay TV channels could allow it to conclude more of such agreements, or agreements that are even more onerous in preventing, delaying or hampering the provision of OTT services. This ability is compounded by the existing ability of each of the Parties to technically degrade the distribution of OTT content on their internet networks. Since OTT offerings constitute important innovations that are likely to exert a growing competitive constraint on the traditional distribution model of cable TV operators, the ability to prevent, delay or hamper such services would lead to higher prices and would deprive consumers from important innovations.

4. *Retail markets for provision of Pay TV services, fixed internet access services, fixed telephony and multiple play services — horizontal non-coordinated concerns*

(25) The geographic footprint of the cable networks operated by Liberty Global and Ziggo in the Netherlands do not overlap thus preventing any direct customer to switch between the Parties. Despite the lack of direct competition between Liberty Global and Ziggo, the Commission has however investigated whether the Parties still take account of each other's actions when making their commercial decisions, either directly benchmarking their pricing against each other or via a mechanism that involves KPN as a nation-wide competitor.

(26) To investigate these concerns the Commission analysed the pricing data of the Parties to see how their retail prices generally evolve, and in particular whether some form of sequential pricing reaction between the retail prices of the Parties has already taken place recently in the Netherlands. Although there are indications that the competitors on the Dutch retail market closely monitor each other and respond to each other's promotional offers, the Commission concluded that there is insufficient evidence to suggest that the Parties and KPN would consistently price sequentially in a way that could give rise to non-coordinated effects through the elimination of an indirect constraint between the Parties.

(27) The Commission therefore considers that the transaction would not significantly impede effective competition as a result of any possible non-coordinated effects occurring in the retail markets for the provision of Pay TV services, fixed internet access services, fixed telephony and multiple play services in the Netherlands.

5. *Retail markets for provision of Pay TV services, fixed internet access services, fixed telephony and multiple play services — horizontal coordinated concerns*

(28) The Commission analysed also potential coordinated effects on the markets for retail provision of Pay TV services, fixed internet access services, fixed telephony and multiple play services in the Netherlands.

(29) Given that the cable networks of the Parties do not geographically overlap, the Commission considers that in practice the transaction would have very limited impact on any existing ability of KPN to coordinate its behaviour with Ziggo and Liberty Global and with the merged entity post-transaction. It has been investigated whether the transaction would significantly alter any of the factors generally considered conducive to coordinated behaviour.

(30) Although there are certain elements which suggest that the Dutch retail Pay TV, broadband internet, fixed telephony and multiple play markets may currently be conducive to coordination (such as the existence of a certain degree of transparency on these markets for example) the Commission considers that it is not necessary to conclude on the precise degree to which that is the case since there is not sufficient evidence to conclude that the transaction would create the conditions for coordination or would make coordination easier, more stable or more effective.

C. **Commitments submitted by the notifying Party**

1. *Description of the commitments*

(31) In order to address the competition concerns, the Notifying Party submitted a final set of commitments on 22 August 2014 ('the Commitments') comprising the following elements: (i) commitment to divest the Film1 Premium Pay TV channel; and (ii) commitments related to OTT services.

(32) In relation to the commitment to divest the Film1 business, Liberty Global also commits to enter into, with the Purchaser of the Film1 business, a carriage agreement for the distribution of Film1 on the merged entity's Pay TV platform in the Netherlands on reasonable commercial conditions. In addition, Liberty Global commits to exercise reasonable efforts to ensure that the Film1 business is transferred to the Purchaser with all current Film1 main exclusive licences for first and second Pay TV window broadcasting rights.

(33) Under the commitments related to OTT services, Liberty Global commits to no longer enforce and hence effectively terminate restrictive OTT clauses in existing agreements with TV broadcasters relating to the carriage of these broadcasters' linear channels and catch-up services on the Parties' Pay TV platforms. Liberty Global will not enter into or renew any agreements relating to the carriage of TV broadcasters' linear channels and catch-up services on the merged entity's Pay TV platform that contain direct or indirect OTT restrictions.

(34) In addition, in order not to undermine the effectiveness of the OTT commitment, Liberty Global commits to maintain sufficient interconnection capacity for parties seeking to distribute data to its broadband customers by ensuring such parties have at least three uncongested routes into the merged entity's IP network in the Netherlands.

(35) The commitment not to prohibit OTT distribution of content shall, in its entirety, be in force for a period of eight (8) years following the date of adoption of the Commission's current decision.

2. *Assessment of the commitments*

(36) The divestiture of the Film1 business would remove in its entirety the overlap between the Parties' activities in Premium Pay TV film channels in the Netherlands. It would also remove any putative concern that post-merger, Liberty Global could foreclose its retail Pay TV competitors from having effective access to a Premium film channel.

(37) The Commission considers that the Commitments contain all necessary safeguards to ensure the successful transfer of the Film1 business to a suitable purchaser. In particular, it includes all the assets and personnel which contribute to its current operation or which are necessary to ensure its viability and competitiveness. The Commitments also provide safeguards that the Film1 business will be transferred with the content contracts necessary to its viability and competitiveness.

(38) The Commission concludes that the Commitments are suitable and sufficient to remove the competition concerns expressed prior to a statement of objections according to which the proposed transaction would lead to a significant impediment to effective competition in relation to Premium Pay TV film channels in the Netherlands.

(39) The Commission considers that the OTT commitment effectively de-couples the negotiations relating to the carriage of broadcasters' linear channels and catch-up services on the merged entity's Pay TV platform from any negotiations relating to OTT services. It is a suitable and sufficient remedy to remove the Commission's concerns expressed prior to a statement of objections arising from the merged entity's increased buyer power in the market for wholesale supply and acquisition of Pay TV channels.

(40) The Commitments also address the technical ability of the Parties to degrade the quality of service of competing OTT TV providers. Liberty Global's commitment to maintain sufficient interconnection capacity for parties seeking to distribute data to its broadband customers should ensure that the OTT commitment cannot be immediately undermined through technical means.

V. **CONCLUSION**

(41) For the reasons mentioned above, the decision concludes that the concentration as modified by the commitments submitted on 22 August 2014 will not significantly impede effective competition in the Internal Market or in a substantial part of it.

(42) Consequently the concentration should be declared compatible with the Internal Market and the functioning of the EEA Agreement, in accordance with Article 2(2) and Article 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.7615 — Deprez Holding/Greenyard Foods)

Candidate case for simplified procedure

(Text with EEA relevance)

(2015/C 145/07)

1. On 23 April 2015, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 [1] by which the undertaking Deprez Holding NV ('Deprez Holding', Belgium) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of the undertaking Greenyard Foods NV ('Greenyard Foods', Belgium) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— Deprez Holding: active through its subsidiary Univeg Holding BV in the areas of fresh fruit and vegetables (including fresh-cut produce), flowers and plants, as well as related transport and logistics, and to some extent, in the horticultural sector through its subsidiary Peatinvest NV,

— Greenyard Foods: active in the processing and commercialization of vegetables and fruit and ready-to-eat food, both deep frozen and canned (under the divisions Pinguin and Noliko).

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 [2] it should be noted that this case is a candidate for treatment under the procedure set out in this 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.7615 — Deprez Holding/Greenyard Foods, to the following address:

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

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

Prior notification of a concentration

(Case M.7561 — PartnerRe Ltd/AXIS Capital Holdings Limited)

Candidate case for simplified procedure

(Text with EEA relevance)

(2015/C 145/08)

1. On 24 April 2015, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 [1] by which PartnerRe Ltd ('PRE', Bermuda) enters into a full merger within the meaning of Article 3(1)(a) of the Merger Regulation with AXIS Capital Holdings Limited ('AXIS', Bermuda).

2. The business activities of the undertakings concerned are:

— PRE: a global reinsurance company listed on the New York Stock Exchange, predominantly providing resinsurance and, to a limited extent, certain speciality insurance products,

— AXIS: a global provider of insurance and reinsurance listed on the New York Stock Exchange.

3. The transaction results in horizontal overlaps in the global reinsurance market and, to a limited extent, in the EEA direct insurance market as well in the market for insurance distribution. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the 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 this 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.7561 — PartnerRe Ltd/AXIS Capital Holdings Limited, to the following address:

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

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

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

(2015/C 145/09)

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

APPLICATION FOR APPROVAL OF AN AMENDMENT TO THE PRODUCT SPECIFICATION OF PROTECTED DESIGNATIONS OF ORIGIN/PROTECTED GEOGRAPHICAL INDICATIONS WHICH IS NOT MINOR

APPLICATION FOR APPROVAL OF AMENDMENT IN ACCORDANCE WITH THE FIRST SUBPARAGRAPH OF ARTICLE 53(2) OF REGULATION (EU) No 1151/2012

‘ROCAMADOUR’

EU No: FR-PDO-0305-01275 — 12.11.2014

PDO (X) PGI (   )

1. **Applicant group and legitimate interest**

Syndicat des Producteurs de Fromages Rocamadour
Maison de l’Agriculture du Lot
430, avenue Jean Jaurès BP 199
46004 Cahors Cedex
FRANCE

Tel. +33 565232221
Fax +33 565232219
E-mail: contact@aoc-rocamadour.com

The group comprises ‘Rocamadour’ stakeholders, namely producers, processors and ripeners. It has a legitimate interest in submitting the request.

2. **Member State or Third Country**

France

3. **Heading in the product specification affected by the amendment(s)**

— ☐ Name of product

— ☒ Description of product

— ☐ Geographical area

— ☒ Proof of origin

— ☒ Method of production

— ☐ Link

— ☒ Labelling

— ☒ Other: wording of link, monitoring

([1]) OJ L 343, 14.12.2012, p. 1.

4. **Type of amendment(s)**

— ☒ Amendment to product specification of a registered PDO or PGI not to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012.

— ☐ Amendment to product specification of registered PDO or PGI for which a Single Document (or equivalent) has not been published not to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012.

5. **Amendment(s)**

Description of product

So as to better describe the product, the organoleptic description of 'Rocamadour' has been added. Additionally, in order to ensure consistency between the 'Description of the product' sections in the specification and in the single document, the descriptor 'striated' has been added with reference to the cheese rind.

Proof of origin

Owing to developments in national legislation and regulations, the text under the heading 'Evidence that the product originates from the defined geographical area' has been consolidated to bring together, in particular, provisions on declaration requirements and the keeping of registers for tracing the product and monitoring production conditions.

In particular, provisions on authorising operators are included to ensure that they are able to meet the requirements of the specification for the designation from which they wish to benefit. Various provisions regarding registers and declaration documents have also been added to this section. These make it possible to guarantee traceability and verify compliance of the products with the requirements of the specification.

Finally, it is stipulated that checks must be conducted by sampling at the end of the ripening period.

Method of production

In order to clarify certain provisions regarding the production method, some specific details have been added:

— It is indicated that the term 'goat' refers to all goats that have given birth at least once. This clarification facilitates checking procedures.

— In order to produce a more accurate description of the feeding conditions for the goats, it is stated that:

  — pastures include moorlands, woods and coppices,

  — the proportion of dried fodder given to the goats must not exceed 20 % of total dry matter.

  Furthermore, fodder and authorised food concentrates are listed. Finally the, now expired, deadline for banning fermented fodder has been deleted.

— The provision relating to the possibility of granting temporary derogations in exceptional circumstances has been deleted as it is no longer appropriate.

— Transgenic products are banned in animal feed, nor may they be cultivated on the farm. This is to preserve the link with the land, and also traditional methods of animal feeding.

— Fertilisation methods are specified for plots of land intended to produce food for the goats. This is because organic fertilisers may change the composition of the flora in feeding areas and pastures. Establishing specific methods therefore allows a natural diversity of flora to be maintained, thus preserving a link with the geographical area:

  'The only organic fertilisers authorised are compost, manure, slurry, liquid manure of agricultural origin and the liquid by-products of cheese-making. Also permitted are organic fertilisers of non-agricultural origin, such as sewage sludge, or by-products, and green waste. However these are subject to the conditions for spreading stated below. Fertilisers originate from the geographical area.

Each application of non-agricultural organic fertiliser is subject to analytical monitoring on a batch-by-batch basis: lorry-load, tankful etc. The analysis involves pathogenic germs, heavy metals and organic trace compounds covered by the legislation.

Spreading organic fertiliser of non-agricultural origin is authorised on farm land but it must be dug in immediately. These actions must comply with the legislation in force with regard to specific restrictions, particularly concerning dates, protected areas, quantities etc.'

— It is stipulated that milking takes place twice a day in a dairy with a milking parlour in which all the goats are milked. An approved expert checks the functioning of the milking equipment.

— Storage conditions for the drained curds are specified in order to preserve their quality. Curds may be preserved at the producer's premises for future use or prior to freezing or delivery to an artisanal producer. Storage must be at a temperature below 6 °C for a maximum of 72 hours. Curds supplied to artisanal producers must be used within 48 hours of delivery.

— Conditions for freezing curds are specified in order to standardise the practice.

Subject to a health exemption issued by the competent authorities, curds may be frozen after draining and prior to salting. This must be done within 72 hours of completion of the drainage process. Curds are frozen in blocks of a maximum 5 cm thick. These blocks must not touch each other during freezing in order to allow air to circulate around them. They must reach a temperature of − 12 °C at the centre in less than 12 hours.

If domestic freezers are used to freeze or store curds, they must be located in the dairy or in an annex with direct access to the dairy. In this case, there must be at least one freezer for freezing and another for storage. Such freezers are kept exclusively for freezing and storing curds. They must not contain any other food item.

Frozen curds may be kept for a maximum period of 10 months.

Freezing occurs at the premises of the producer or artisan, or in a cold store. When freezing takes place at a cold store, the curds must be packaged at the manufacturer's premises prior to export.

— Regarding sodium chloride, the proportion ranges from 0,6 to 0,8 % of the weight of the curds. In order to facilitate monitoring, it is specified that this applies to the added sodium chloride rather than to the total amount.

— It is stipulated that ripening takes place in premises set aside for that purpose in order to preserve the specific natural flora required to develop the organoleptic qualities of 'Rocamadour'.

Labelling

References to 'appellation d'origine contrôlée' have been deleted. The requirement to include the statement 'protected designation of origin' and the European Union PDO symbol has been added.

Other

The presentation of the 'link' section has been improved to better illustrate the link between the characteristics of 'Rocamadour', the geographical area and local know-how.

As regards monitoring compliance with the specifications for the 'Rocamadour' PDO, it is stipulated that this is conducted according to a monitoring plan created by an inspection body. Contact details of the inspection bodies have been updated.

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

SINGLE DOCUMENT

'ROCAMADOUR'

EU No: FR-PDO-0305-01275 — 12.11.2014

PDO (X) PGI ( )

1. **Name**

'Rocamadour'

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*

'Rocamadour' is a small cheese made from raw whole goat's milk. It is a soft, slow-curdling cheese with a firm, striated and slightly velvety rind. The colour ranges from cream to dark beige.

Individual cheeses are presented as flattened rounds weighing around 35 g.

The fat content is 45 % after total desiccation. The total weight in dry matter must not be below 14 g per cheese. The total ripening period must be at least six days starting from when the cheeses are turned out of their moulds.

The texture is pliable. The cheese should give slightly when pressed. 'Rocamadour' is creamy in the mouth, meaning that it dissolves easily and coats the inside of the mouth. It is also soft. The rind has the same structure as the cheese itself with a similar consistency in the mouth.

3.3. *Feed (for products of animal origin only) and raw materials (for processed products only)*

The total daily feed comprises at least 80 % of food substances produced in the geographical area. Local agricultural resources are not sufficient to meet all the animals' needs.

Fodder is composed of grass, hay from permanent and temporary grasslands, straw and annual fodder crops, excluding cruciferous plants. The proportion of dried fodder given to the goats must not exceed 20 % of total dry matter.

Fermented fodder is banned from the goats' feed.

The proportion of food concentrates included in the daily goats' feed must be less than 30 % of total dry matter. Authorised food concentrates appear on a positive list.

Only plants, by-products and feed supplements from non-genetically modified sources may be used in the animal feed.

The planting of transgenic crops is prohibited in all areas of farms producing milk intended for processing involving the 'Rocamadour' protected designation of origin. This prohibition applies to all types of plant likely to be given as feed to animals on the farm and all crops liable to contaminate such plants.

The cheese is made from goat's milk produced solely by Alpine or Saanen breeds of goats, or by a cross of these two breeds.

In addition to the raw dairy products, the only ingredients, production aids or additives authorised for use in the milk, or during manufacture, are rennet, innocuous bacterial cultures, yeasts, moulds and salt.

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

The milk is produced and the cheese manufactured and ripened in the geographical area.

3.5. *Specific rules concerning slicing, grating, packaging, etc. of the product the registered name refers to*

—

3.6. *Specific rules concerning the labelling of the product to which the registered name refers*

'Rocamadour' cheeses have a label measuring at least 4 cm in diameter bearing the name of the designation of origin 'Rocamadour', the statement 'protected designation of origin' and the European Union PDO symbol.

However a single label may be affixed to batches of several cheeses presented in the same packaging and packaged on the production site, provided they are intended for sale to the final consumer, in the self-service section of large retailers.

In addition, for direct sales organised by producers or other persons under their direct responsibility, either at the farm or in markets, each sales unit of cheese must bear at least one label. The sales stand must display a sign indicating: the name of the producer and/or cheese ripener, the address of the production and/or ripening premises, the designation and the statement 'protected designation of origin'.

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

The geographical area covers the region known as the 'Causses' [limestone plateaux] at the heart of the Lot Department. Part of that region is in the geographical area along with parts of the Departments of Aveyron, Corrèze, Dordogne, Tarn and Garonne.

Department of Aveyron: municipalities of Ambeyrac, Balaguier-d'Olt, La Capelle-Balaguier, Causse-et-Diège, Foissac, Martiel, Montsalès, Ols-et-Rinhodes, Sainte-Croix, Salvagnac-Cajarc, Saujac and Villeneuve.

Department of Corrèze: municipalities of Chartrier-Ferrière, Chasteaux, Estivals, Nespouls and Turenne.

Department of the Dordogne: municipalities of Archignac, Borrèze, La Cassagne, Cazoulès, Chavagnac, La Dornac, Jayac, Nadaillac, Orliaguet, Paulin, Peyrillac-et-Millac, Saint-Amand-de-Coly and Salignac-Eyvigues.

Department of Lot: the cantons of Cahors Nord-Ouest, Cahors Nord-Est, Cahors Sud, Cajarc, Catus, Gramat, Labastide-Murat, Lauzès, Limogne-en-Quercy, Livernon, Luzech, Martel, Saint-Germain-du-Bel-Air, Saint-Géry and Souillac, and the municipalities of Albiac, Anglars (refers to the only part of the municipality located to the west of the line formed by departmental Route 940 and the Lascurades stream), Anglars-Nozac, Arques, Aujols, Autoire, Aynac, Bach, Bagat-en-Quercy, Béduer, Belmontet, Belmont-Sainte-Foi, Le Boulvé, Le Bourg (refers to the only part of the municipality located to the west of the line formed by national Route 140 and departmental Route 940), Calès, Carennac, Cézac, Cieurac, Condat, Cremps, Dégagnac, Escamps, Fajoles, Fargues, Faycelles, Flaujac-Poujols, Floressas, Gindou, Gintrac, Gourdon, Grézels, Issendolus, Laburgade, Lacapelle-Cabanac, Lacapelle-Marival (refers to the only part of the municipality located to the west of the line formed by departmental Routes 940 and 218), Lalbenque, Lamothe-Fénelon, Lascasbanes, Lavercantière, Lhospitalet, Loubressac, Loupiac, Mauroux, Mayrinhac-Lentour, Nadaillac-de-Rouge, Payrac, Les Quatre-Routes, Reilhaguet, Pern, Prudhomat, Rampoux, Le Roc, Rouffilhac, Rudelle, Rueyres, Saignes, Saint-Cirq-Souillaguet, Saint-Clair, Saint-Jean-Lagineste, Saint-Jean-Lespinasse, Saint-Matré, Saint-Michel-Loubéjou, Saint-Médard-de-Presque, Saint-Pantaléon, Saint-Projet, Salviac, Saux, Sérignac, Strenquels, Thédirac, Thémines, Théminettes, Touzac, Vaylats and Le Vigan.

Department of Tarn-et-Garonne: the municipalities of Caylus, Lacapelle-Livron, Loze and Saint-Projet.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

a) Natural factors

The designation of origin covers the agricultural areas of Causses and the valleys of the Lot, Dordogne and Célé, the eastern part of Bouriane, the west of Limargue and the north of Quercy Blanc and the Causses de Quercy. It is characterised by a largely limestone substrate with sinkholes and deep lapies into which all water disappears.

This substrate makes the region appear bleak and dry with poor soil.

The natural vegetation of this region is clearly dominated by the succession of young oaks characteristic of dry and chalky areas. This results in a landscape that is largely bare, dotted with low copses of trees and irregular patches of thin, dry grass that grow mainly on the limestone plateaux. Where bushes and grasses appear in summer, the vegetation generally looks thin and dry.

b) Human factors

'Rocamadour' is among the oldest products of local origin in the department of Lot and its surrounding area. This is demonstrated by a historic lease contract between the overlord of the region, the Bishop of Evreux, and his vassals. Dating from 1451, the contract sets the amount of the tithe to be paid in cheese under the name 'Rocamadour cheese'.

Even to this day, the know-how of 'Rocamadour' producers is evident throughout the manufacturing process.

As such, most of the fodder given to the goats comes from the geographical area. Use of dried fodder and food concentrates is limited. Indeed food produced in the geographical area accounts for at least 80 % of the diet.

Producers use only raw whole goat's milk. The milk is subjected to a rapid renneting after being allowed to mature followed by slow lactic coagulation for at least 20 hours. It is then left to drain slowly and naturally to produce a moist curd with over 31 % dry matter when put into moulds.

Next, salt is mixed into the mass of curds, which is then put into small moulds of 60 mm in diameter and 16 mm in height.

The next production stage is ripening. This includes a drying phase of 24 hours characterised by a relatively high temperature. The product is then placed in the ripening room under specific temperature and humidity conditions.

5.2. *Specificity of the product*

'Rocamadour' is a small round goat's cheese made from unpasteurised whole milk, weighing around 35 g. The weight of dry matter is slight: a minimum of 14 g per cheese.

It has a velvety rind.

In the mouth, 'Rocamour' is creamy and the rind has the same soft texture as the cheese.

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 geographical area, characterised by its aridity, is favourable for rearing goats. The rearing methods used to produce milk to make 'Rocamadour' cheese give priority to fodder from the geographical area. Such a diet is rich in forage and so produces milk with original flora. This is preserved because raw milk is used to make the cheese.

Geotrichum in particular gives 'Rocamadour' its velvety appearance. Slow natural drainage, together with the temperature and humidity in the ripening rooms, produce a relatively moist curd. This favours the development of Geotrichum.

Drainage and ripening occur in two successive phases. Both result in a low dry matter content in the final product.

The drainage and ripening conditions also contribute to the development of a surface rind and of the soft, creamy and homogeneous texture from the rind to the centre, characteristic of 'Rocamadour', and which can also be attributed to the use of whole milk.

The round flat shape and light weight of 'Rocamadour' are the result of the traditional use of moulds with a specific diameter and height.

The whole gamut of the characteristics of the geographical area, as well as natural and human factors, thus come into play to produce 'Rocamadour'.

Reference to publication of the specification

(the second subparagraph of Article 6(1) of this Regulation [2])

https://info.agriculture.gouv.fr/gedei/site/bo-agri/document_administratif-ab406329-e35e-4155-adb7-c276fbba1221/telechargement

---

[2] See footnote 1.

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

(2015/C 145/10)

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]).

APPLICATION FOR APPROVAL OF AN AMENDMENT TO A PRODUCT SPECIFICATION OF A PROTECTED DESIGNATION OF ORIGIN/PROTECTED GEOGRAPHICAL INDICATION WHICH IS NOT MINOR

APPLICATION FOR APPROVAL OF AN AMENDMENT IN ACCORDANCE WITH THE FIRST SUBPARAGRAPH OF ARTICLE 53(2) OF REGULATION (EU) No 1151/2012

'ZGORNJESAVINJSKI ŽELODEC'

EU No: SI-PGI-0105-01140 — 31.7.2013

PDO ( ) PGI (X)

1. **Applicant group and legitimate interest**

Association of Zgornjesavinjski Želodec Producers
Rečica ob Savinji 55
SI-3332 Rečica ob Savinji
SLOVENIJA

Tel. +386 38390910

The amendment was proposed by the same group of producers who submitted the application to register 'Zgornjesavinjski želodec'.

2. **Member State or Third Country**

Slovenia

3. **Headings in the specification affected by the amendment(s)**

— ☐ Name of product

— ☒ Description

— ☐ Geographical area

— ☐ Proof of origin

— ☒ Method of production

— ☒ Link

— ☒ Labelling

— ☐ Other

4. **Type of amendment(s)**

— ☒ Amendment to product specification of registered PDO or PGI not to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012.

— ☐ Amendment to product specification of registered PDO or PGI not to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012, for which a single document (or equivalent) has not been published.

5. **Amendments**

1. *Description*

— The ratio of meat to fat is changed. The current ratio 'between 85:15 and 80:20' is amended to read 'a minimum of 75 % meat and a maximum of 25 % fat'.

([1]) OJ L 343, 14.12.2012, p. 1.

The newly proposed ratio between meat and fat is based on over 20 years of organoleptic analyses of 'Zgornjesavinjski želodec' carried out by a dedicated expert panel. It has been found that the optimal proportion between meat and fat, such which ensures appropriate appearance, colour and aroma of a slice of 'Zgornjesavinjski želodec', is at least 75 % meat and not more than 25 % fat.

— The final product weight is revised from 'at least 0,7 kg' to 'at least 0,6 kg' and the thickness of the 'želodec' from '3-5 cm' to '2,5-3,5 cm'.

The reason for this change is the increased consumer demand for thinner and somewhat smaller products.

2. *Method of production*

— The change in the ratio of meat to fat and the revised weight of the final product must also be taken into account under this point.

— The weight of a freshly filled 'želodec' is revised from 'between 1,3 kg and 2,5 kg' to 'between 1,2 kg and 4 kg'.

The weight of the raw product is reduced on account of the lower minimum weight of the final product. The increased maximum approved weight of a raw 'želodec' is proposed to meet the needs of catering establishments for larger-size products (in order to minimise discards when the ends are trimmed off).

— The drying/maturation temperature bracket is lowered from '12-18 °C' to '6-16 °C'. The term 'kašča' and the phrase 'and the relative humidity between 60 % and – 80 %' are deleted.

Given the actual average temperatures in facilities where 'Zgornjesavinjski želodec' is dried, which are largely due to the variable weather conditions, the drying temperature is reduced while the temperature interval is increased. The term 'kašča' is no longer used to designate facilities where meat is dried. The information about the relative ambient humidity of facilities is deleted, since it is mainly the drying and the humidity of the product that are monitored.

— The drying/maturation time is changed from 'three to five months' to 'at least three months'.

This is due to the practical experience of producers of 'Zgornjesavinjski želodec' resulting from the variable weather conditions.

— The information about weight loss is changed from 'at least 36 %' to 'at least 40 %'.

The changes are due to consumer demand for products which are more matured and drier.

3. *Link*

Based on historical facts, the name 'George VI' is replaced by 'George V'.

Following an invitation by King Alexander I of Yugoslavia, the British monarch, King George V (whose reign ended in 1936 with his death), visited the valley of Logarska Dolina in 1932 or 1933. Given that King Alexander was assassinated in Marseille in 1934, it is clear that he could not have hosted King George VI in the Logarska Valley.

4. *Labelling*

As a result of changes to EU legislation, the expression 'Community symbol' is replaced by 'EU symbol' and the words 'or an appropriate abbreviation' are added to the statement 'protected geographical indication'. In addition, an image of the logo for labelling 'Zgornjesavinjski želodec', which has up to now appeared only in the specification, is inserted.

SINGLE DOCUMENT

'ZGORNJESAVINJSKI ŽELODEC'

EU No: SI-PGI-0105-01140 — 31.7.2013

PDO ( ) PGI (X)

1. **Name**

'Zgornjesavinjski želodec'

2. **Member State or Third Country**

Slovenia

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

3.1. *Type of product*

Class 1.2. Meat products (cooked, salted, smoked, etc.)

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

'Zgornjesavinjski želodec' (plural: 'želodci') is an air-dried/matured meat product made from high-quality pork meat (thigh, shoulder) and firm back fat. Salt and seasoning are added to the meat filling, which is then stuffed into natural casings, such as pig stomachs, pig bladders or beef intestines (the blind gut), or artificial permeable casings. The product takes its name from the traditional practice of stuffing the filling into natural casings, mainly pig stomachs.

'Zgornjesavinjski želodec' consists of meat and fat in a ratio of at least 75 % meat and a maximum of 25 % fat. Garlic, salt, pepper and sugar are also added. The use of nitrites, nitrates and other additives is not permitted. The salt content is less than 7 %.

The dried 'želodec' is round or rectangular in shape. It weighs at least 0,6 kg and, due to pressing, has a characteristic flat shape and a thickness of 2,5-3,5 cm. The casing is smooth, fits tightly to the filling and is lightly covered with a characteristic greyish brown mould of the genus *Penicillium*.

The flat shape means that slices of 'Zgornjesavinjski želodec' are thin and long. A distinguishing feature of 'Zgornjesavinjski želodec' is its pronounced aroma, which is complemented by the added spices that do not mask the basic aromas of the matured meat and the fat.

The texture is gently firm and suitable for cutting into slices. Slices have a characteristic and recognisable 'mosaic' made up of the pinkish-red meat part and the particularly visible pieces of bacon, which are white to pale white in colour. In the mouth, slices are smooth and quickly disintegrate.

3.3. *Feed (for products of animal origin only) and raw materials (for processed products only)*

'Zgornjesavinjski želodec' is produced using high-quality pork (thigh and shoulder) and firm back fat from meaty breeds of pig and their cross-breeds.

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

The production of 'Zgornjesavinjski želodec' (mincing the meat, chopping the back fat, preparing the filling and stuffing 'želodci'), as well as the drying/maturing of 'želodci', must be carried out in the defined geographical area.

3.5. *Specific rules concerning slicing, grating, packaging, etc. of the product the registered name refers to*

—

3.6. *Specific rules concerning labelling of the product the registered name refers to*

Certified products are labelled with the name 'Zgornjesavinjski želodec', the statement 'protected geographical indication' or an appropriate abbreviation, the corresponding EU symbol, the national quality symbol and the logo for 'Zgornjesavinjski želodec'. The use of the logo is compulsory for all forms of 'želodec' that are marketed.

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

The protected geographical designation is applied only to 'želodec' produced in the area of the Upper Savinja Valley. To the north, the border of this area runs along the Olševa ridge, then along the ridge of the Smrekovško Pogorje hills. To the south, it passes via the summits of Dobrovlje and Menina, which separate the Upper Savinja Valley from the Lower Savinja Valley and Tuhinjska Valley. To the west, the border runs through the Črnivec pass and on to Kranjska Reber, the Velika Planina plateau and via the Presedljaj pass to Ojstrica. From there it can be traced along the top ridge of Grintavec to Skuta and then north to the Mrzla Gora mountain. Here it meets the Slovene-Austrian state border, passing north to Pavličevo Sedlo, then turning east and back to Olševa.

5. **Link with the geographical area**

The protection of 'Zgornjesavinjski želodec' is based on its renown. The chief characteristic of the 'Zgornjesavinjski želodec' is the traditional production method. The dried meat products generally produced in other areas of Slovenia are mainly home-made sausages and salami. But in this mountain-encircled region, the recipe for authentic 'želodec' has been passed on from generation to generation for centuries. 'Želodec' production first developed in the high, mountainous part of the Upper Savinja valley. The first records of the production of 'Zgornjesavinjski želodec' probably date back to the beginning of the nineteenth century. The ethnographer Jože Lekše wrote in his manuscripts about the ceremonial importance of 'želodec', which was served on special occasions, such as weddings, funeral repasts or family celebrations. In the 20th century 'želodec' started to be produced in the lower-lying and more populated parts of the Valley as well, which is proven, among other things, by a handwritten recipe for the production of 'želodec' dating from about 1930 from the Logar farm in the Logarska Valley.

Aleksander Videčnik, an author who has researched folk customs and life in the Upper Savinja Valley, relates that, during a visit to King Alexander between the wars, the British King George V is said to have visited the Logarska Valley (part of the Upper Savinja Valley), where the two of them tried 'Zgornjesavinjski želodec'. He is said to have liked it so much that he subsequently had it sent to him at the British Court.

Over the years the product has become known as an exclusive speciality of this area, since even today it is still one of the main dishes at major events and weddings and on feast days, and people take it to church at Easter to have it blessed.

The characteristics of the Alpine and pre-Alpine climate are combined in the geographical area of the Upper Savinja valley. The predominant type of climate depends mainly on the altitude. The higher areas have an Alpine climate with an average temperature of less than − 3 °C in the coldest month, whereas the lower-lying areas have a temperate pre-Alpine climate. Fresh mountain air comes into the valley of the Savinja and Dreta from the surrounding mountain plateaus, which means that summers are not unpleasantly hot. Autumn is cool, as is spring, while there is usually a long, cold winter. Within these general climatic conditions, local microclimates are also found (e.g. sunny or shady areas or closed valleys).

The main particularity of this area is that the wide temperature differences between sunny and shady areas and highland and lowland areas create local air currents which allow the 'želodec' to dry by natural air circulation.

The Upper Savinja valley has a unique microclimate, numerous spruce forests, high surrounding hills and an exceptionally high volume of water in its rivers and streams. As well as the microclimate of the area as a whole, the microclimate of the areas where drying takes place is also exceptionally important for the drying and maturation of 'želodec'.

Sprucewood, stone and brick are the main materials used in building the drying compartments of the huts in which 'želodci' are dried.

These comprehensive specific conditions have a significant impact on the drying and maturation of 'želodci' and on their taste and aroma.

In addition to the favourable natural conditions, the quality of 'želodci' is due in part to people, who have developed a specific technique for preparing, shaping and drying 'želodci' in the production area. 'Želodci' are still produced using procedures that respect tradition, and when technological improvements are introduced, the typical shape and sensory properties of the 'želodci' do not change. The environment, the smells of spruce forests, together with the climate and the human factor, which includes experience and specific technical and practical knowledge, are essential to the preparation of 'Zgornjesavinjski želodec'.

Reference to publication of the specification

(the second subparagraph of Article 6(1) of this Regulation)

http://www.mkgp.gov.si/fileadmin/mkgp.gov.si/pageuploads/podrocja/Varna_in_kakovostna_hrana_in_krma/zasciteni_kmetijski_pridelki/Specifikacije/ZGSAV_-_SPECIFIKACIJA_julij_13.pdf

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

(2015/C 145/11)

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

SINGLE DOCUMENT

'LIČKI KRUMPIR'

EU No: HR-PGI-0005-01242 – 10.07.2014

PDO ( ) PGI (X)

1. **Name (names)**

'Lički krumpir'

2. **Member State or Third Country**

Republic of Croatia

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

3.1. *Product type*

Class 1.6 Fruit, vegetables and cereals, fresh or processed

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

'Lički krumpir' [Lika potatoes] are tubers intended for the market for human consumption. The tuber has a minimum diameter of 35 mm. The shape of the tuber is oblong-oval.

For the production of 'Lički krumpir', seed potato of the Desiree, Bintje or Victoria varieties — or varieties with similar characteristics — are used, which have a dry matter content of at least 19 %.

Organoleptic characteristics of the 'Lički krumpir' tuber:

Appearance of the tuber: smooth to rough peel, the skin is yellow to brown or reddish in colour;

Colour of the tuber flesh: bright white to yellow;

Texture of the tuber flesh: fine, small-grained;

Taste of the tuber: a floury taste, i.e. friable or dry, due to the high percentage of dry matter (high starch content), as it tends to overboil. When eaten, the fullness of the flavour becomes apparent in the mouth.

3.3. *Feed (for products of animal origin only) and raw materials (for processed products only)*

—

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

The stages in the production of 'Lički krumpir' that must take place in the defined geographical area referred to in point 4 are: the planting, earthing and extraction of the potato tuber.

3.5. *Specific rules concerning slicing, grating, packaging, etc. of the product to which the registered name applies*

Before packaging, 'Lički krumpir' is sorted by size or bulkiness, which must be at least 35 mm, and is cleaned of soil particles using a brush. To ensure the tuber retains its traditional appearance, it is not rinsed with water.

'Lički krumpir' is packaged using the following types of packaging only: jute, linen, mesh or paper bags, or packaging made from those materials. 'Lički krumpir' is also placed on the market without any packaging, as that is how it was traditionally sold on the market.

([1]) OJ L 343, 14.12.2012, p. 1.

3.6. *Specific rules concerning labelling of the product to which the registered name applies*

—

4. Concise definition of the geographical area

The area in which 'Lički krumpir' is grown is the geographical area of Lika. Lika is a continental region in south-western Croatia, bound by high mountain ranges (the Velebit range to the south and west, Mount Plješevica to the east and the Kapela range to the north).

This natural setting contains numerous karst plains (or 'polje'), i.e. Lipovo polje, Koreničko polje, Bijelo polje, Krbavsko polje, Lapačko polje, Dabarsko polje, Krasno polje, Vrhovinsko polje, Turanjsko polje, Homoljacko polje, Podlapačko polje, Krbavsko polje, Kosinjsko polje, Mazinsko polje, Gubavčevo polje, Bruvnopolje and Rudopolje, Greater and Lesser Popinsko polje, Brezovačko polje, Srb-Suvajsko polje, Kosničko polje and Poljice, Brinjsko polje, Stajničko polje, Vodotečko polje and Križpolje, Gostovo polje, Ličko-jaseničko polje and Potpolje, Saborsko polje, Ličko polje and Gacko polje. The biggest are Ličko and Gacko polje.

The area of Lika in which the abovementioned karst plains are located covers two administrative regions: mainly Lika-Senj County and, to a lesser extent, Zadar County. It encompasses all municipalities and towns of Lika-Senj County, except the town of Novalja and the municipality of Gračac in Zadar County. The area in which 'Lički krumpir' is grown includes all places that are more than 400 m above sea level, i.e. the following towns: Gospić, Otočac and Senj, as well as the municipalities of Brinje, Vrhovine, Plitvička jezera, Perušić, Udbina, Lovinac, Gračac, Donji Lapac and Karlobag.

5. Link with the geographical area

The protection of the product 'Lički krumpir' is based on its quality, which stems from the specific characteristics of the production area, and on its reputation.

In the geographical area referred to in point 4, the climate affects the quality of 'Lički krumpir', making it distinctive and setting it apart from potatoes produced in other regions. The geographical area of Lika has a mountain climate with a relatively short vegetation period. In these plateaus and plains, the average temperature in January hovers around − 2 °C, and during the first 5 months of the year the minimum temperature falls below 0 °C. The average July temperature in the plateaus is 18 °C, which falls as altitude increases.

The lower mean daily winter and summer temperatures favour the growth of 'Lički krumpir' by enabling intensive photosynthesis, the end result of which is sugar synthesis. In the Lika region the sugars accumulated are used up less in the breathing process and are translocated instead to the potato tuber, in which they accumulate in the form of polysaccharide starch, forming the bulk of the tuber's dry matter. This is in contrast to low-lying regions, where high daytime and night-time temperatures prevail and plants breathe faster under the higher temperatures, using up the synthesised sugars, which accumulate in the tuber in lower quantities.

As significant forms of karst topography, karst plains were formed by tectonic movements and dissipation, followed by deposits of materials (during the Pleistocene) which created the plains. In that respect, the karst plains belong to the accumulative tectonic-type landforms. This relief affects the development of the favourable structure of the soil, with sandy and sandy-loam soil rich in organic matter predominating, which is well-suited to growing 'Lički krumpir'. It also affects the microclimate, which is a key factor in the quality of the product.

The inhabitants of Lika have taken advantage of the favourable natural conditions and have a long tradition of growing 'Lički krumpir' in the area. The potato was brought to the Military Frontier region, to which Lika belonged, from other parts of the Austro-Hungarian Empire in 1760 (Vinko Mandekić, *Krumpir* [The Potato], Zagreb 1923, p. 7). Due to the specificity of the geographical area of Lika (its mountain climate and soil), bread cereals failed to thrive, so in the 18th century, at the time of the Austro-Hungarian Empire, efforts were made to expand potato production. The agro-climatic and pedological conditions were conducive to the spread of potato-growing in the Lika region (the production area for 'Lički krumpir'). These same conditions had a negative impact on the production of bread cereals, so that the potato would largely replace bread as the staple diet.

Thanks to the role and importance played by 'Lički krumpir' in the diet of Lika's inhabitants varieties that became 'domesticated' to produce 'Lički krumpir' in Lika were also characterised by a higher percentage (minimum 19 %) of dry matter. On account of the region's specific climate, this dry matter content is all the more pronounced, lending 'Lički krumpir' its distinctly starchy taste and its fullness.

Scientific research has confirmed that potatoes of these varieties grown using the same technique in Lika (Brinje) have a 'higher' percentage of dry matter (on average 23,5-24,3 %) compared with the same varieties of potato grown in Međimurje County (Belica, Slovinska Kovačica), where they have a lower percentage of dry matter (on average 21,1-21,4 %). Test results have shown that the variety grown in Brinje (Lika) contains much more dry matter, which is the influence of the climate factors prevailing in the production area of 'Lički krumpir' and lends it its distinctive character compared with the same variety grown in Belica (Međimurje County — Croatia's main potato-growing region). The high dry matter content gives 'Lički krumpir' its starchy taste and its fullness (scientific research by M. Poljak et al, Grafikon 4 and 5, 2001).

Evidence of the renown and reputation of 'Lički krumpir' can also be found in newspaper articles (*Ličke novine* [Lika County Gazette], State Archive, Gospić, 1953 and 1955). These articles refer to the tradition of growing 'Lički krumpir' in the Lika region owing to the favourable climate conditions prevailing in the geographical area, the specific quality of 'Lički krumpir' that prevents it from crumbling while cooking, and the high starch content.

'Lički krumpir' has acquired a considerable reputation among consumers, as evidenced by a consumer survey that found that 93 % of respondents had heard of the name 'Lički krumpir', while 74 % were prepared to pay more for 'Lički krumpir'. The findings of the survey also reveal that consumers know that as the main production area of 'Lički krumpir', the Lika region affects the specific quality of 'Lički krumpir' (extract from the survey, Miroslav Božić 'Marketing Strategy and Quality Labels in Traditional Food Industry', 2009-2010).

In addition to natural factors such as climate conditions, which are influenced by altitude, resulting in the accumulation of large quantities of dry matter in 'Lički krumpir', and on account of which the potato grown in this geographical area is more distinctive than those of other regions, the link which 'Lički krumpir' maintains with the geographical area of Lika stems from the reputation bestowed by 'Lički krumpir' on the Lika region. This is evidenced by the culinary work *Vodič Hrvatske gastro ikone* [Guide to Croatian Culinary Icons], which lists 'Lički krumpir' as one of the 'culinary icons' of the Lika region. The author's intention was to document the diversity of Croatian cuisine by compiling a list of culinary icons, which points clearly to the reputation 'Lički krumpir' bestows on the region from which it hails (*Vodič Hrvatske gastro ikone*, 2007).

This reputation, which we seek to preserve by registering 'Lički krumpir', came to the fore at the beginning of this century, when culinary cultural events that live on to this day began to be held in the Lika region. One such event is the annual 'Lički Krumpir Day', at which the product is on offer to visitors (Culinary event 'Lički Krumpir Day', 2014). 'Lički krumpir' is also part of the Lika region's cultural heritage, which can be seen in the fact that it is celebrated in numerous folk songs (Annex, Nikola Matijević, *Lički Grudobran* [Lika Parapet], Zagreb, 1940, p. 62).

Reference to publication of the product specification

(Article 6(1) second subparagraph of this Regulation)

http://www.mps.hr/UserDocsImages/HRANA/LICKI%20KRUMPIR/Izmijenjena%20Specifikacija%20proizvoda.pdf

CORRIGENDA

Corrigendum to Public holidays in 2015

(Official Journal of the European Union C 463 of 23 December 2014)

(2015/C 145/12)

On page 17, for France:

for: ‘1.1, 6.4, 1.5, 14.5, 25.5, 14.7, 21.7, 15.8, 1.11, 11.11, 25.12’,

read: ‘1.1, 6.4, 1.5, 8.5, 14.5, 25.5, 14.7, 15.8, 1.11, 11.11, 25.12’.

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)

Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN