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⁽¹⁾ Text with EEA relevance.

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⁽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.9913 — Hella/Minth/JV)****(Text with EEA relevance)**

(2020/C 325/01)

On 22 September 2020, 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 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 32020M9913. EUR-Lex is the on-line access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration
(Case M.9910 — Mapfre Group/Santander Group/Popular Seguros JV)

(Text with EEA relevance)

(2020/C 325/02)

On 22 September 2020, 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 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 32020M9910. EUR-Lex is the on-line access to European law.

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⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration
(Case M.9905 — Bridgepoint/EQT Credit Platform)

(Text with EEA relevance)

(2020/C 325/03)

On 22 September 2020, 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 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 32020M9905. EUR-Lex is the on-line access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Notice for the attention of the data subjects to whom the restrictive measures provided for in Council Decision (CFSP) 2015/1333 and Council Regulation (EU) No 2016/44 concerning restrictive measures in view of the situation in Libya apply

(2020/C 325/04)

The attention of data subjects is drawn to the following information in accordance with Article 16 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁾.

The legal basis for this processing operation is Council Decision (CFSP) 2015/1333 ⁽²⁾, as amended by Council Decision (CFSP) 2020/1385 ⁽³⁾, and Council Regulation (EU) No 2016/44 ⁽⁴⁾, as implemented by Council Implementing Regulation (EU) 2020/1380 ⁽⁵⁾.

The controller of this processing operation is the Council of the European Union represented by the Director General of RELEX (External Relations) of the General Secretariat of the Council and the department entrusted with the processing operation is RELEX.1.C that can be contacted at:

Council of the European Union
General Secretariat
RELEX.1.C
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
Belgique/BELGIË

Email: sanctions@consilium.europa.eu

The purpose of the processing operation is the establishment and updating of the list of persons subject to restrictive measures in accordance with Decision (CFSP) 2015/1333, as amended by Decision (CFSP) 2020/1385, and Regulation (EU) No 2016/44, as implemented by Implementing Regulation (EU) 2020/1380.

The data subjects are the natural persons who fulfil the listing criteria as laid down in Decision (CFSP) 2015/1333 and Regulation (EU) No 2016/44.

The personal data collected includes data necessary for the correct identification of the person concerned, the statement of reasons and any other data related thereto.

The personal data collected may be shared as necessary with the European External Action Service and the Commission.

Without prejudice to restrictions pursuant to Article 25 of Regulation (EU) 2018/1725, the exercise of the rights of the data subjects such as the right of access, as well as the rights to rectification or to object will be answered in accordance with Regulation (EU) 2018/1725.

⁽¹⁾ OJ L 295, 21.11.2018, p. 39.

⁽²⁾ OJ L 206, 1.8.2015, p. 34.

⁽³⁾ OJ L 320, 3.10.2020, p. 11.

⁽⁴⁾ OJ L 12, 19.1.2016, p. 1.

⁽⁵⁾ OJ L 320, 3.10.2020, p. 1.

Personal data will be retained for 5 years from the moment the data subject has been removed from the list of persons subject to the restrictive measures or the validity of the measure has expired, or for the duration of court proceedings in the event they had been started.

Without prejudice to any judicial, administrative or non-judicial remedy, data subjects may lodge a complaint with the European Data Protection Supervisor in accordance with Regulation (EU) 2018/1725 (edps@edps.europa.eu).

Notice for the attention of certain persons subject to the restrictive measures provided for in Annex I to Council Decision (CFSP) 2017/2074 and in Annex IV to Council Regulation (EU) 2017/2063 concerning restrictive measures in view of the situation in Venezuela

(2020/C 325/05)

The following information is brought to the attention of Mr Alexis Enrique ESCALONA MARRERO (No 22), Mr Rafael Antonio FRANCO QUINTERO (No 23), Mr Alexander Enrique GRANKO ARTEAGA (No 24), Mr José Adelino ORNELAS FERREIRA (No 26) and Mr José Gregorio NORIEGA FIGUEROA (No 36), persons appearing in Annex I to Council Decision (CFSP) 2017/2074 ⁽¹⁾ and in Annex IV to Council Regulation (EU) 2017/2063 ⁽²⁾ concerning restrictive measures in view of the situation in Venezuela.

The Council intends to maintain the restrictive measures against the above-mentioned persons with new statements of reasons. Those persons are hereby informed that they may submit a request to the Council to obtain the intended statement of reasons for maintaining their designation, by 12 October 2020, to the following address:

Council of the European Union
General Secretariat
RELEX.1.C
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: sanctions@consilium.europa.eu

The persons concerned may submit at any time a request to the Council, together with any supporting documentation, that the decision to include and maintain them on the list should be reconsidered, to the address provided above. Such requests will be considered when they are received. In this respect, the attention of the persons concerned is drawn to the regular review by the Council according to Article 13 of Decision (CFSP) 2017/2074.

⁽¹⁾ OJ L 295, 14.11.2017, p. 60.

⁽²⁾ OJ L 295, 14.11.2017, p. 21.

Notice for the attention of certain persons and entities subject to the restrictive measures provided for in Council Decision (CFSP) 2019/1894, and Council Regulation (EU) 2019/1890 concerning restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean

(2020/C 325/06)

The following information is brought to the attention of Mr Mehmet Ferruh AKALIN (no 1), and Mr Ali Cosgun NAMOGLU (no 2), persons appearing in the Annex to Council Decision (CFSP) 2019/1894 ⁽¹⁾, and Annex 1 to Council Regulation (EU) 2019/1890 ⁽²⁾ concerning restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean.

The Council intends to maintain the restrictive measures against the above-mentioned persons with new statements of reasons. Those persons are hereby informed that they may submit a request to the Council to obtain the intended statements of reasons for their designation, before 12 October 2020, to the following address:

Council of the European Union
General Secretariat
RELEX.1.C
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: sanctions@consilium.europa.eu

⁽¹⁾ OJ L 291, 12.11.2019, p. 47.

⁽²⁾ OJ L 291, 12.11.2019, p. 3.

Notice for the attention of the persons and entities subject to the restrictive measures provided for in Council Decision 2014/145/CFSP, as amended by Council Decision (CFSP) 2020/1368, and in Council Regulation (EU) No 269/2014 as implemented by Council Implementing Regulation (EU) 2020/1367 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

(2020/C 325/07)

The following information is brought to the attention of the persons and entities that appear in the Annex to Council Decision 2014/145/CFSP ⁽¹⁾, as amended by Council Decision (CFSP) 2020/1368 ⁽²⁾, and in Annex I to Council Regulation (EU) No 269/2014 ⁽³⁾, as implemented by Council Implementing Regulation (EU) 2020/1367 ⁽⁴⁾ concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

The Council of the European Union has decided that those persons and entities should be included in the list of persons subject to restrictive measures provided for in Decision 2014/145/CFSP and in Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. The grounds for designations of those persons and entities appear in the relevant entries in those Annexes.

The attention of the persons and entities concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the web sites in Annex II to Regulation (EU) No 269/2014, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 4 of the Regulation).

The persons and entities concerned may submit a request to the Council, together with supporting documentation, that the decision to include them on the abovementioned list should be reconsidered, to the following address before 2 November 2020:

Council of the European Union
General Secretariat
RELEX.1.C
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: sanctions@consilium.europa.eu

The attention of the persons and entities concerned is also drawn to the possibility of challenging the Council's decision before the General Court of the European Union, in accordance with the conditions laid down in Article 275, 2nd paragraph, and Article 263, 4th and 6th paragraphs, of the Treaty on the Functioning of the European Union.

⁽¹⁾ OJ L 78, 17.3.2014, p. 16.

⁽²⁾ OJ L 318, 1.10.2020, p. 5.

⁽³⁾ OJ L 78, 17.3.2014, p. 6.

⁽⁴⁾ OJ L 318, 1.10.2020, p. 1.

Notice for the attention of the data subjects to whom the restrictive measures provided for in Council Decision 2014/145/CFSP and Council Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine apply

(2020/C 325/08)

The attention of data subjects is drawn to the following information in accordance with Article 16 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁾.

The legal bases for this processing operation are Council Decision 2014/145/CFSP ⁽²⁾, as amended by Council Decision (CFSP) 2020/1368 ⁽³⁾, and Council Regulation (EU) No 269/2014 ⁽⁴⁾, as implemented by Council Implementing Regulation (EU) 2020/1367 ⁽⁵⁾.

The controller of this processing operation is the Council of the European Union represented by the Director General of RELEX (External Relations) of the General Secretariat of the Council and the department entrusted with the processing operation is RELEX.1.C that can be contacted at:

Council of the European Union
General Secretariat
RELEX.1.C
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: sanctions@consilium.europa.eu

The GSC's Data Protection Officer can be contacted at:

Data Protection Officer

data.protection@consilium.europa.eu

The purpose of the processing operation is the establishment and updating of the list of persons subject to restrictive measures in accordance with Decision 2014/145/CFSP, as amended by Decision (CFSP) 2020/1368, and Regulation (EU) No 269/2014, as implemented by Implementing Regulation (EU) 2020/1367.

The data subjects are the natural persons who fulfil the listing criteria as laid down in Decision 2014/145/CFSP and Regulation (EU) No 269/2014.

The personal data collected includes data necessary for the correct identification of the person concerned, the statement of reasons and any other data related thereto.

The personal data collected may be shared as necessary with the European External Action Service and the Commission.

Without prejudice to restrictions pursuant to Article 25 of Regulation (EU) 2018/1725, the exercise of the rights of the data subjects such as the right of access, as well as the rights to rectification or to object will be answered in accordance with Regulation (EU) 2018/1725.

Personal data will be retained for 5 years from the moment the data subject has been removed from the list of persons subject to the restrictive measures or the validity of the measure has expired, or for the duration of court proceedings in the event they had been started.

Without prejudice to any judicial, administrative or non-judicial remedy, data subjects may lodge a complaint with the European Data Protection Supervisor in accordance with Regulation (EU) 2018/1725 (edps@edps.europa.eu).

⁽¹⁾ OJ L 295, 21.11.2018, p. 39.

⁽²⁾ OJ L 78, 17.3.2014, p. 16.

⁽³⁾ OJ L 318, 1.10.2020, p. 5.

⁽⁴⁾ OJ L 78, 17.3.2014, p. 6.

⁽⁵⁾ OJ L 318, 1.10.2020, p. 1.

EUROPEAN COMMISSION

Interest rate applied by the European Central Bank to its main refinancing operations ⁽¹⁾:

0,00 % on 1 October 2020

Euro exchange rates ⁽²⁾

1 October 2020

(2020/C 325/09)

1 euro =

Currency		Exchange rate	Currency		Exchange rate
USD	US dollar	1,1752	CAD	Canadian dollar	1,5616
JPY	Japanese yen	123,98	HKD	Hong Kong dollar	9,1082
DKK	Danish krone	7,4421	NZD	New Zealand dollar	1,7667
GBP	Pound sterling	0,90723	SGD	Singapore dollar	1,6004
SEK	Swedish krona	10,4853	KRW	South Korean won	1 365,03
CHF	Swiss franc	1,0787	ZAR	South African rand	19,5373
ISK	Iceland króna	162,20	CNY	Chinese yuan renminbi	7,9805
NOK	Norwegian krone	10,9073	HRK	Croatian kuna	7,5630
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	17 423,28
CZK	Czech koruna	26,918	MYR	Malaysian ringgit	4,8788
HUF	Hungarian forint	359,89	PHP	Philippine peso	56,931
PLN	Polish zloty	4,4935	RUB	Russian rouble	90,6050
RON	Romanian leu	4,8740	THB	Thai baht	37,101
TRY	Turkish lira	9,0606	BRL	Brazilian real	6,5821
AUD	Australian dollar	1,6319	MXN	Mexican peso	25,6764
			INR	Indian rupee	85,8275

⁽¹⁾ Rate applied to the most recent operation carried out before the indicated day. In the case of a variable rate tender, the interest rate is the marginal rate.

⁽²⁾ Source: reference exchange rate published by the ECB.

Opinion of the Advisory Committee on mergers given at its meeting of 29 January 2019 concerning a preliminary draft decision relating to CASE M.8900 Wieland/Aurubis Rolled Products/Schwermetall

Rapporteur: Ireland

(Text with EEA relevance)

(2020/C 325/10)

Operation

1. The Advisory Committee (11 Member States) agrees with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the Council Regulation No 139/2004 (the 'Merger Regulation').

Union Dimension

2. The Advisory Committee (11 Member States) agrees with the Commission that the notified operation has a Union dimension pursuant to Article 1(3) of the Merger Regulation.

Product Market

3. The Advisory Committee (11 Member States) agrees with the Commission's definitions of the relevant product markets as stated in the draft decision for the purpose of assessing the present operation, in particular:
 - a. the supply of billets and cakes, the distinction between billets and cakes being left open;
 - b. the supply of pre-rolled strip;
 - c. the supply of rolled products, with significant differentiation between the high end part of the market and the low end part of the market.

Geographic Market

4. The Advisory Committee (11 Member States) agrees with the Commission's definitions of the relevant geographic markets as stated in the draft decision, in particular:
 - a. the relevant markets for the supply of billets or cakes is EEA-wide in scope;
 - b. the relevant market for the supply of pre-rolled strip is EEA-wide in scope;
 - c. the relevant market for the supply of rolled products is EEA wide in scope.

Competitive Assessment

Horizontal non-coordinated effects

5. The Advisory Committee (11 Member States) agrees with the Commission's assessment on horizontal non-coordinated effects, namely that
 - a. the Transaction is likely to result in a significant impediment of effective competition through the removal of an important competitor on the rolled products market, with the likely result of an increase in prices;
 - b. the Transaction is likely to result in a significant impediment of effective competition through the creation of a dominant position of Wieland on the rolled products market in the EEA.
6. The Advisory Committee (11 Member States) agrees with the Commission that the acquisition of sole control in Schwermetall aggravates the horizontal effects in the sense that it strengthens Wieland's ability to raise the costs of its competitors in the rolled products market and provide Wieland access to rivals' confidential information.

Vertical non-coordinated effects

7. The Advisory Committee (11 Member States) agrees with the Commission's assessment that the Transaction will not significantly impede competition as a result of input foreclosure effects in relation to billets.

Commitments

8. The Advisory Committee (11 Member States) agrees with the Commission that the Commitments do not eliminate the significant impediment to effective competition resulting from (i) the elimination of the important competitive constraints exerted on Wieland by ARP and/or (ii) the creation of Wieland's dominant position.
9. The Advisory Committee (11 Member States) agrees with the Commission that the Commitments do not address the issues related to increasing costs of third parties reliant on supplies from Schwermetall and access to rivals' confidential information through the acquisition of the 50% stake in Schwermetall.

Compatibility with the internal market

10. The Advisory Committee (11 Member States) agrees with the Commission's view that the notified concentration should be declared incompatible with the internal market and the functioning of the EEA Agreement, in accordance with Articles 2(3) and Article 8(3) of the Merger Regulation and Article 57 of the EEA Agreement.
-

Final Report of the Hearing Officer ⁽¹⁾
(Case M.8900 – Wieland/Aurubis Rolled Products/Schwermetall)

(Text with EEA relevance)

(2020/C 325/11)

Introduction

1. On 13 June 2018, the Commission received a notification of a proposed concentration by which Wieland Werke AG ('Wieland') would acquire, within the meaning of Article 3(1)(b) of Council Regulation (EC) No 139/2004 ⁽²⁾, sole control of the whole of Aurubis Flat Rolled Products business ('ARP'), and the whole of Schwermetall Halbzeugwerk GmbH & Co. KG ('Schwermetall') ('Proposed Transaction').
2. On the basis of the first phase investigation, the Commission considered that the Proposed Transaction raised serious doubts as to its compatibility with the internal market and the EEA Agreement. As a result, on 1 August 2018, the Commission adopted a decision to initiate proceedings pursuant to Article 6(1)(c) of the Merger Regulation ('Article 6 (1)(c) decision').
3. On 3 August 2018, Wieland asked for an extension of 10 working days pursuant to Article 10(3) second subparagraph, first sentence of the Merger Regulation.
4. On 23 August 2018, Wieland and ARP submitted written comments to the Article 6(1)(c) decision.
5. On 4 October 2018, during a formal State of Play meeting, the Commission informed Wieland and ARP that its preliminary view that the transaction was likely to lead to a significant impediment of effective competition remained at that point in the second phase investigation.
6. On 8 October 2018, the Commission adopted a decision extending the procedure by 10 days pursuant to Article 10(3) second subparagraph, third sentence of the Merger Regulation.
7. On the same day, Wieland provided a second draft remedy proposal, which was formally submitted on 17 October 2018. The Commission did not market test this proposed set of commitments.
8. On 24 October 2018, the Commission adopted a statement of objections ('SO') which was notified to Wieland on 25 October 2018. ARP and Schwermetall also received non-confidential versions of the SO pursuant to Article 13(2) of Commission Regulation (EC) No 802/2004 ⁽³⁾ on 8 November 2018.
9. On 3 December 2018, Wieland submitted a new set of commitments. These commitments were market tested on 7 December 2018.
10. The Commission sent three Letters of Facts to Wieland, on 30 November 2018, on 11 December 2018 and on 14 December 2018. Wieland submitted its observations to these Letters of Facts on 7 December 2018, 17 December 2018 and 19 December 2018 respectively.

⁽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 (the 'Merger Regulation') (OJ L 24, 29.1.2004, p. 1).

⁽³⁾ Commission Regulation (EC) No 802/2004 of 21 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (OJ L 133, 30.4.2004, p. 1).

Access to the file

11. Wieland was granted access to the Commission's file on 25 October 2018. Subsequent access to the file was provided on 13 December 2018, 17 December 2018, 21 December 2018, 16 January 2019 and 23 January 2019. Access to confidential data and information relied upon by the Commission in the SO was granted to Wieland's economic advisors in accordance to the data room procedure on 30-31 October 2018, 6 November 2018 and 4 December 2018.
12. There were no complaints or further requests regarding access to file that were addressed to the Hearing Officer.

Reply to the SO and formal oral hearing

13. The initial deadline for Wieland to submit its comments to the SO was 9 November 2018. This deadline was extended to 12 November 2018 and Wieland responded by this date.
14. In its response to the SO, Wieland requested to be heard orally. The formal oral hearing was held on 19 November 2018.

Interested third persons

15. Three undertakings were admitted as interested third persons in these proceedings. All three interested third persons were provided with a non-confidential version of the SO and given a time-limit within which to submit their observations. Non-confidential versions of the interested third persons' written comments were made available to Wieland. None of the interested third persons requested to participate in the oral hearing.

Procedural complaints

Claim of incomplete market investigation

16. In its response to the SO and during the oral hearing, Wieland argued that the Commission had failed to collect sufficient quantitative data and that the Commission had relied too heavily on internal documents as a source of evidence. More specifically, Wieland considered that the Commission should have gathered more quantitative data on capacities and production volumes from third parties. Wieland also questioned the reliability of the qualitative evidence used by the Commission in the SO, in particular as regards internal documents, arguing that these are subjective, susceptible to misinterpretation, and not necessarily representative of an official position within Wieland or ARP.
17. As a first point, it must be recalled that Wieland's criticism of the Commission's reliance on internal documents does not seem to be consistent with the case law, which establishes that there is no hierarchy between the types of evidence used by the Commission in merger cases, as the Commission's task is to make an overall assessment of what is shown by the set of indicative factors used to evaluate the competitive situation. ⁽⁴⁾
18. Second, the General Court has consistently confirmed that the Commission cannot be required to carry out further investigations where it considers that the preliminary investigation of the case has been sufficient. ⁽⁵⁾ On this point, however, I note that whether or not the investigation file contains sufficient evidence to support the Commission's theory of harm is ultimately a question of substance and not of procedure.

⁽⁴⁾ See T-342/07, *Ryanair Holdings v Commission*, EU:T:2010:280, paragraph 136 and T-175/12, *Deutsche Börse AG v Commission*, EU:T:2015:148, paragraph 133.

⁽⁵⁾ See, for example, T-141/94, *Thyssen Stahl v. Commission*, EU:T:1999:48, paragraph 110; T-758/14 *Infineon Technologies v. Commission* EU:T:2016:737, paragraph 110.

Criticism of the fact that the Commission did not market test the remedies offered on 17 October 2018

19. In its response to the SO, Wieland criticised the Commission for (again) not market testing the remedy package it submitted on 17 October 2018 (i.e. a few days prior to the adoption of the SO) ⁽⁶⁾. Wieland questioned the appropriateness of the Commission's stance arguing that the failure to market test the commitments constituted a breach of 'due process'.
20. According to the Commission notice on remedies acceptable under Council Regulation (EC) No 139/2004 and under Commission Regulation (EC) No 802/2004 (the 'Remedies Notice') in order for the commitments to be accepted by the Commission at a pre-SO stage, these would have to remove the 'serious doubts' raised by the Commission in its Article 6(1)(c) decision. ⁽⁷⁾ The Remedies Notice also confirms the Commission's discretion in consulting third parties as to any proposed remedies, by stating that the Commission will conduct a market test of submitted commitments, 'when considered appropriate' ⁽⁸⁾. In this case, the Commission did not consider that it would be appropriate to market test the remedies offered on 17 October 2018, since these did not remove its 'serious doubts'. This was effectively an assessment on the substance of the case that was within the Commission's discretion and, contrary to Wieland's position, does not amount to a breach of 'due process'.
21. In any case, it is noted that the Commission did market test the commitments offered following the SO by Wieland on 3 December 2018.

Letters of facts and request for second oral hearing

22. As mentioned above, on 30 November 2018 the Commission addressed a first letter of facts ('First LoF') to Wieland. The First LoF referred to both (a) pre-existing evidence that was not expressly relied on in the SO but which, on further analysis of the file, the Commission considered relevant to support arguments set out in the SO; and (b) additional evidence brought to the Commission's attention after the adoption of the SO.
23. In its observations to the First LoF, Wieland argued that a letter of facts can only be used to make parties aware of *new* evidence obtained after the adoption of the SO, but not to present additional evidence which was already available at the time of the SO. According to Wieland, the fact that the First LoF was mainly based on 'pre-existing evidence' would partially deprive the oral hearing of its purpose as it would postpone a substantial part of the discussion and defence to a point in time after the oral hearing, which is (according to Wieland) the only opportunity to contest the evidence relied on by the Commission in front of a wider audience. To remedy this alleged problem, Wieland requested a supplementary oral hearing. DG Competition rejected Wieland's request on 19 December 2018 and Wieland referred the matter to the Hearing Officer on 20 December 2018.
24. On 21 December 2018, the Hearing Officer rejected Wieland's request for a supplementary oral hearing. The starting point for the assessment is the fact that Regulation (EC) No 802/2004 only provides for the right to request a formal oral hearing when the Commission sends a statement of objections. Having examined the First LoF and compared it with the SO, the Hearing Officer found that the First LoF did not contain any new objections compared to those already set out in the SO, but merely identified further evidence supporting the same objections ⁽⁹⁾. The fact that some of this further evidence was already in the file at the time the SO was issued is immaterial, since the relevant criterion for distinguishing between a supplementary statement of objections and a letter of facts is whether or not *new objections* are formulated. Finally, as there was no indication that the case team deliberately withheld evidence until after the oral

⁽⁶⁾ Wieland had also offered remedies during the first phase of the investigation that the Commission did not market test because they were not such as to eliminate its serious doubts in a sufficient and clear-cut manner.

⁽⁷⁾ See Remedies Notice, paragraph 18.

⁽⁸⁾ See Remedies Notice, paragraphs 80 and 92.

⁽⁹⁾ See, by analogy, Judgment of 20 March 2002 in Case T-23/99 *LR af 1998 A/S v Commission*, EU:T:2002:75, paragraphs 186-195.

hearing so as to deprive the oral hearing of its purpose, the Hearing Officer did not see any legal rule or principle that would preclude the Commission from including in a letter of facts evidence that was already in the file at the time of the SO.

Draft decision

25. In the draft decision, the Commission concludes that the Proposed Transaction is likely to result in a significant impediment to effective competition in the market for rolled products in the EEA through the removal of an important competitor and the creation of a dominant position for Wieland. The draft Decision also concludes that the commitments of 3 December 2018 would not eliminate the significant impediment to effective competition that would result from the Proposed Transaction. The draft decision therefore declares the Proposed Transaction incompatible with the internal market and with the Agreement on the European Economic Area.
26. I have reviewed the draft decision pursuant to Article 16(1) of Decision 2011/695/EU and I conclude that it deals only with objections in respect of which Wieland has been afforded the opportunity of making its views known.
27. In view of the above, I consider that the effective exercise of procedural rights has been respected in this case.

Brussels, 31 January 2019.

Joos STRAGIER

Summary of Commission Decision**of 5 February 2019****declaring a concentration incompatible with the internal market and the functioning of the EEA Agreement****(Case M.8900 – Wieland/Aurubis Rolled Products/Schwermetall)***(notified under document C(2019) 922)***(Only the English version is authentic)****(Text with EEA relevance)**

(2020/C 325/12)

On 5 February 2019 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(3) of that Regulation. A non-confidential version of the full Decision, as the case may be in the form of a provisional version, can be found in the authentic language of the case on the website of the Directorate-General for Competition, at the following address: https://ec.europa.eu/competition/elojade/isef/index.cfm?clear=1&policy_area_id=2

- (1) On 13 June 2018, the Commission received a notification of a proposed concentration pursuant to Article 4 of Regulation (EC) No 139/2004 (the 'Merger Regulation') which would result from a proposed transaction by which Wieland Werke AG ('Wieland', Germany) intends to acquire within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Aurubis Flat Rolled Products business ('ARP', Germany), and of the whole of Schwermetall Halbzeugwerk GmbH & Co. KG ('Schwermetall', Germany), by way of purchase of shares and assets (the 'Transaction'). In this summary, Wieland, ARP and Schwermetall are also referred to as the 'Parties', Wieland is also designated as the 'Notifying Party'. The undertaking that would result from the Transaction is referred to as 'the merged entity'.

I. THE PARTIES

- (2) Wieland, incorporated in Germany, manufactures and supplies semi-finished products made of copper and copper alloys. Wieland covers the production chain for copper products from casting shapes to selling semi-finished products. It operates twelve plants with approximately 7 000 employees. Six of these plants produce rolled products and are located in Germany, the United Kingdom, the United States and Singapore.
- (3) ARP is controlled by Aurubis AG ('Aurubis', Germany) and is active in manufacturing and supplying semi-finished copper and copper alloy products. Aurubis is a worldwide provider of non-ferrous metals (including copper) and is the largest integrated European copper producer to serve the full vertical spectrum from the production of copper anodes, cathodes and shapes to the production of rolled and drawn products.
- (4) Schwermetall is a 50/50 joint venture between Wieland and Aurubis and is active in manufacturing pre-rolled strip and rolled copper alloy products. Schwermetall also supplies third parties with pre-rolled strip. Moreover, Schwermetall sells coin strip – rolled strip used for the production of coins – which can be regarded as a semi-finished rolled product.
- (5) Wieland intends to acquire sole control of ARP and Schwermetall by way of purchase of shares and assets and through two different agreements (the Master Purchase Agreement between Wieland and Aurubis for the acquisition of ARP and the Schwermetall Share and Purchase Agreement for the acquisition of the 50 % shareholding of Aurubis in Schwermetall), both signed on 29 March 2018 and which are conditional upon each other and form one single concentration.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

II. UNION DIMENSION

- (6) The Parties have a combined aggregate worldwide turnover above EUR 2 500 million and an EEA-wide turnover above EUR 100 million. In each of Germany, France, and Italy, the combined aggregate turnover of Wieland and ARP is more than EUR 100 million and the aggregate turnover of each of Wieland and ARP is more than EUR 25 million. None of the Parties achieves more than two thirds of its aggregate Union-wide turnover within one and the same Member State. The concentration has therefore a Union dimension.

III. PROCEDURE

- (7) On 1 August 2018, based on the results of the phase I market investigation, the Commission raised serious doubts as to the compatibility of the Transaction with the internal market and adopted a decision to initiate proceedings pursuant to Article 6(1)(c) of the Merger Regulation.
- (8) On 3 August 2018, the Notifying Party requested a first extension of 10 working days pursuant to Article 10(3) second subparagraph, first sentence of the Merger Regulation. On 8 October 2018, at the request of the Notifying Party, the Commission adopted a decision extending the procedure by 10 additional days pursuant to Article 10(3) second subparagraph, third sentence of the Merger Regulation.
- (9) On 17 October 2018, Wieland submitted commitments, which the Commission did not market test.
- (10) On 24 October 2018, the Commission issued a Statement of Objections (the 'SO'). In the SO, the Commission reached the preliminary conclusion that the Transaction would significantly impede effective competition in a substantial part of the internal market and that competition concerns would not be addressed in their entirety by the remedies proposed by Wieland on 17 October 2018. The Commission considered that the proposed remedies were not comprehensive and effective from all points of view.
- (11) On 12 November 2018, the Notifying Party replied to the SO ('response to the SO'). On 19 November 2018, the oral hearing was held.
- (12) On 3 December 2018 (day 65 of the phase II procedure), the Notifying Party submitted new commitments pursuant to Article 8(2) of the Merger Regulation aimed at remedying the identified competition concerns. On 7 December 2018, the Commission launched a market test of the Commitments of 3 December 2018.
- (13) On 19 December 2018, the Commission informed the Notifying Party of the negative results of the market test of the Commitments of 3 December 2018.
- (14) On 29 January 2019, the Advisory Committee discussed a preliminary draft of the Decision and delivered a favourable opinion.

IV. ASSESSMENT

- (15) The Transaction mainly concerns the production and supply of rolled copper and copper alloys products ('rolled products'). In addition, Schwermetall is active upstream on the merchant market for the supply of pre-rolled strip, which is an input for rolled products. ARP also supplies billets to third parties for the production of copper tubes, the downstream market where Wieland is active. The relevant product and geographic markets are defined below.

1. The relevant product markets

1.1. Copper shapes (*cakes and billets*)

- (16) Copper shapes are used as an input for the production of semi-finished copper products. There are two kinds of shapes: billets (circular) and cakes (rectangular). While it is unlikely that billets and cakes belong to the same product market because there is no demand side substitution and supply side substitution may not be immediate, the Commission left the question of the precise scope of the relevant market open. The Commission considered that the markets for billets or cakes are EEA-wide.

1.2. **Pre-rolled strip**

- (17) Pre-rolled strip is a thin strand of copper or copper alloy, which is a key input for manufacturing rolled products. The Commission considered that the market for pre-rolled strip is separate from the market for rolled products because there is no demand side substitution and only limited supply side substitution between pre-rolled strip and rolled products. The Commission considered that the market for pre-rolled strip is EEA-wide.

1.3. **Rolled products**

- (18) There is an overall rolled products market, which is highly differentiated in terms of product performance, know-how and technology, specifications of customers, intensity of competition and pricing. Therefore different segments can be defined within the overall market that exhibit different intensity of competition, in particular as regards competition between commoditised products located at the lower end of the market and more specialised products situated at a higher end of the market. In line with the precedents and on the basis of the market investigation, the Commission considered that the geographic market for rolled products is EEA-wide.

2. **Competitive assessment**

2.1. **Framework of the Competitive Assessment in this case**

Two transactions in the same industry

- (19) Wieland notified the concentration to the Commission on 13 June 2018. On 4 June 2018, that is before the notification of the Transaction, KME AG ('KME') notified to the Commission its intention to acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control of MKM Mansfelder Kupfer and Messing GmbH ('MKM'). The KME/MKM transaction partly affects the same markets as the Transaction assessed in the present case.
- (20) In case of parallel investigations into concentrations affecting the same relevant markets, the Commission, in line with its constant practice, assesses the first notified transaction on its own merits and based on the market structure prevailing at the time of that notification. Conversely, the Commission assesses the subsequently notified transaction based on the market structure resulting from the likely implementation of the first transaction. Therefore, in the present case, the starting point for the Commission to assess the Transaction is a likely market structure where KME and MKM are treated as a single entity.

The parallel acquisitions of ARP and Schwermetall need to be assessed together

- (21) The Commission considered that Wieland's acquisition of ARP and its acquisition of sole control over Schwermetall and the corresponding effects of each these acquisitions are closely linked, and therefore cannot be assessed in isolation.
- (22) As such, in a first step the Commission assessed the horizontal effects of combining the rolled product businesses of Wieland, ARP and Schwermetall on the rolled products market under the principles set out in the Horizontal Merger Guidelines. In a second step, the Commission assessed whether and how Wieland's acquisition of sole control over Schwermetall further reinforces those effects through raising of rivals' costs.

2.2. **Assessment of horizontal non-coordinated effects in the rolled products market**

- (23) The Transaction would lead to large combined market shares in terms of volume ([40-50] %) and very large in terms of value ([50-60] %) on the rolled products market. The combined market shares of the Parties are significantly larger than the number 2 competitor's KME/MKM.
- (24) Moreover, prior to the Transaction Wieland is the clear market leader in the rolled products market, with high market share, significant growth and an extensive product portfolio, and it is particularly strong in the high-end part of this market. Already prior to the Transaction, Wieland possesses and exercises a significant degree of market power, which allows it to behave to some degree independently of its competitors and customers in the rolled products market and in particular in the high-end part of the market.

- (25) ARP is an important competitor of Wieland in the rolled products market and a significant and close rival in key segments of the rolled products market in which Wieland is particularly active (for example, connectors). Furthermore, ARP purchases pre-rolled strip from Schwermetall. ARP is strong in power electronics where Wieland is trying to expand. Evidence on file shows that ARP's competitive significance is growing and ARP would thus likely be able to exert even stronger competitive pressure on Wieland in the future. The Transaction therefore would eliminate important competitive constraint that ARP exerts on Wieland within the meaning of paragraph 25 of the Horizontal Merger Guidelines.
- (26) The other competitors, in particular in the high-end part of the rolled products market (for example connectors for the automotive industry), do not have the ability and incentives to increase output so significantly that it would be sufficient to defeat any likely negative effects of the Transaction. The high-end part of the rolled products market is characterised by few competitors, high barriers to entry and capacity constraints. As a result, it would be difficult for competitors active on the lower end part of the market to reposition their products into the high-end part of the market to defeat any price increase by the merged entity.
- (27) After the Transaction, customers would have limited possibilities to switch suppliers in particular in the high-end part of the market where Wieland and ARP's activities mainly overlap. There are fewer alternative suppliers in the high-end part of the market and qualification process of suppliers make it unlikely or extremely difficult for customers to switch to producers active in the lower end part of the market. Moreover, switching suppliers is also difficult because of multi-sourcing strategies, applied by customers for the reasons of security of supply.
- (28) The internal documents of Wieland and in particular the results of the market investigation provide a strong indication of the likely negative effects of the Transaction. Wieland's internal documents suggest that Wieland expects the Transaction to further strengthen its market position and lead to increased prices. The results of the market investigation in Phase I and Phase II show that the large majority of customers and several competitors are concerned about price increases on the rolled products market after the Transaction.
- (29) The Transaction would also likely lead to the creation of a dominant position for Wieland on the rolled products market. In this regard, the Commission took into account, first, the very large combined market shares. Second, the fact that the Transaction would remove an important competitor in an already concentrated market, where the next closest competitor would be KME/MKM with a market share of [20-30 %] and which, according to the Parties' own assessment, is to a certain extent experiencing difficulties in serving the market. Third, the fact that several other competitors depend on Schwermetall for the supplies of a key input, which, after the Transaction would be controlled by Wieland. Fourth, the negative reactions of customers regarding the effects of the Transaction.
- (30) In light of the above, the Commission concluded that the Transaction is likely to result in a significant impediment of effective competition through the removal of an important competitor on the rolled products market, with the likely result of price increase. Moreover, the Commission concluded that the Transaction is likely to result in a significant impediment of effective competition through the creation of a dominant position for Wieland on the rolled products market in the EEA.

2.3. *The parallel acquisition of sole control over Schwermetall aggravates the negative effects of the Transaction*

- (31) The parallel acquisition of sole control over Schwermetall would aggravate the horizontal effects identified above in the sense that it would strengthen Wieland's ability to raise the costs of its competitors in the rolled products market.
- (32) First, Schwermetall is the leading supplier of pre-rolled strip on the merchant market. Moreover, Schwermetall sets prices and sells pre-rolled strip to Wieland and ARP's competitors on the downstream rolled products market, independently from its parents. The customers of Schwermetall are particularly active in the high-end part of the market.

- (33) Second, the change from joint to sole control over Schwermetall would give Wieland access to commercially sensitive information of its competitors and the right to decide alone on prices and product portfolio offered on the merchant market. It would therefore increase Wieland's ability to restrict the expansion of its important downstream competitors that depend on Schwermetall's supplies of pre-rolled strip.
- (34) Third, the customers of Schwermetall, and in particular those competing with Wieland and ARP downstream, could not efficiently and in due time replace the supplies of Schwermetall with alternative suppliers or by expanding their in-house capabilities.
- (35) The acquisition of sole control over Schwermetall would increase Wieland's incentives to raise its rivals' costs, especially taking into account the increased concentration level on the downstream rolled products market because of the acquisition of ARP.
- (36) Against this background, the Commission considered that after the Transaction Wieland would have the ability and incentive to reduce the competitive pressure stemming from companies relying on Schwermetall supplies by raising their costs (either by increasing input prices, reducing the portfolio range or the quality of the pre-rolled strip) and would have full insight into its competitors' needs and their respective costs. Such a conduct would have a negative impact on the competitiveness of rivals. Raising rivals' costs and the consequent weakening of competition would, in turn, further reinforce and deepen the significant impediment to effective competition identified with respect to Wieland's acquisition of ARP.
- (37) The Commission also assessed whether the acquisition of sole control in Schwermetall would create merger-specific efficiencies. However, the efficiencies claims of the Notifying Party were not considered merger specific. Furthermore, these claims could not affect the Commission's finding that the acquisition of sole control in Schwermetall would likely deepen the negative effects of the Transaction.

2.4. *The Transaction does not impede effective competition in relation to input foreclosure of billets*

- (38) Following the complaint of an ARP's customer for billets, the Commission assessed whether the Transaction would likely lead to input foreclosure for billets. The ARP's customer argued that after the Transaction Wieland, with whom it competes downstream on the copper tubes market, would acquire control of its sole billets supplier and would therefore have the incentive to leverage its market power upstream to increase its own sales of copper tubes downstream. However, the Commission found that there is no risk of input foreclosure in relation to billets because there are other alternative sources for billets in the EEA.

3. Commitments

3.1. *Description of Commitments*

- (39) In order to render the Transaction compatible with the internal market the Notifying Party submitted commitments proposing to divest two ARP's plants (Stolberg, Germany, and Zutphen, the Netherlands) as well as, at the option of the Purchaser, three slitting centres in Slovakia, Italy and the United Kingdom ('Divestment Business'), but not the 50 % stake of ARP in Schwermetall. The Notifying Party also offered an optional temporary supply and service agreement for pre-rolled strip to the plants in Stolberg and Zutphen.
- (40) The Commitments included purchaser criteria requiring the buyer to be able to ensure sufficient supply of pre-rolled strip necessary for the Divestment Business, and an upfront buyer clause.
- (41) Although the Notifying Party had not concluded a sale and purchase agreement with a specific buyer during the review procedure, it identified several potential purchasers of the Divestment Business.

3.2. *Assessment of the Commitments*

Results of the market test

- (42) A majority of customers expressing a view considered that without a stake in Schwermetall the proposed remedy is structurally inadequate to address the horizontal concerns. Furthermore, a clear majority of customers expressing a view considered that the Commitments do not address the concerns regarding raising rivals' costs and access to confidential information.

The Commission's assessment of the Commitments

- (43) Due to the exclusion of a key asset of ARP, that is the 50 % stake in Schwermetall, the Commission considered that the Commitments are structurally inadequate to eliminate the significant impediment to effective competition. The Commission found in particular that prior to Transaction Schwermetall has been an integral and critical element of Stolberg plant's viability and competitiveness and an important element for Zutphen plant's viability and competitiveness.
- (44) The Commitments would lead to a carve-out of a pre-existing business with no certainty for the Commission that, when the business is transferred to the buyer, it would be a viable business on a stand-alone basis and the risks for the viability and competitiveness due to the carve-out would be reduced to a minimum. The temporary supply agreement proposed by the Notifying Party would not be sufficient for the buyer to develop independent sources of supply and would hence risk creating long-term links between competitors.
- (45) The Commission also considered that significant uncertainties remained whether the assets of identified potential buyers by the Notifying Party could compensate for the lack of access to pre-rolled strip from Schwermetall or whether the acquisition of the Divestment Business by the potential buyers would not create further competition concerns.
- (46) Finally, the Commission considered that the competition concerns linked to the ability of Wieland to hinder the expansion of the important share of remaining competitors on the rolled products market, which depend on Schwermetall's supplies, were not addressed by the Commitments.

V. CONCLUSION

- (47) For the reasons mentioned above, the decision concludes that the proposed concentration will significantly impede effective competition in the internal market or in a substantial part of it. Consequently, the concentration should be declared incompatible with the internal market and the functioning of the EEA Agreement, in accordance with Article 2(3) and Article 8(3) of the Merger Regulation and Article 57 of the EEA Agreement.
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COURT OF AUDITORS

Special Report 20/2020

'Combating child poverty – Better targeting of Commission support required'

(2020/C 325/13)

The European Court of Auditors hereby informs you that Special Report 20/2020 'Combating child poverty – Better targeting of Commission support required' has just been published.

The report can be accessed for consultation or downloading on the European Court of Auditors' website: <http://eca.europa.eu>

Special Report 21/2020**‘Control of State aid to financial institutions in the EU: in need of a fitness check’**

(2020/C 325/14)

The European Court of Auditors hereby informs you that Special Report 21/2020 ‘Control of State aid to financial institutions in the EU: in need of a fitness check’ has just been published.

The report can be accessed for consultation or downloading on the European Court of Auditors’ website: <http://eca.europa.eu>

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9957 — Advent International/Otto/Hermes Parcelnet/Hermes Germany)

Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 325/15)

1. On 24 September 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- Advent International Corporation (United States, 'Advent'),
- Otto GmbH & Co KG (Germany, 'Otto'),
- Hermes Parcelnet Limited (UK, 'Hermes UK'), belonging to the Otto group,
- Hermes Germany GmbH (Germany, 'Hermes Germany'), belonging to the Otto group.

Advent acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Hermes UK; Advent and Otto acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Hermes Germany.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Advent: a private equity investment business, focused on the acquisition of equity stakes and the management of investment funds in various sectors, including business and financial services; industrial goods and services; retail operations, branded consumer goods, and leisure services; media, telecommunications, and information technology; and healthcare services and pharmaceuticals. Its portfolio companies have global activities, including in United States, Europe, Asia, and South America,
- for Otto: the holding company of various companies forming the Otto Group. Globally active in the area of retail and retail-related services,
- for Hermes UK: operates multi-channel delivery and collection services (i.e. courier services) in the United Kingdom,
- for Hermes Germany: operates multi-channel delivery and collection services (i.e. courier services) in Germany,

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 the Notice.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

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. The following reference should always be specified:

M.9957 — Advent International/Otto/Hermes Parcelnet/Hermes Germany

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

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

(²) OJ C 366, 14.12.2013, p. 5.

Prior notification of a concentration
Case M.9941 — Private Theory Luxco/ARC Group
Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 325/16)

1. On 23 September 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- Private Theory Luxco Sàrl ('Private Theory Luxco', Luxembourg) controlled by Mr Richard Cashin (a US citizen);
- ARC Holdings SAS ('ARC Holdings', France), parent company of the ARC group.

Private Theory Luxco, acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of ARC Holdings.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Private Theory Luxco: active in the purchase and management of stocks in other companies. Private Theory Luxco also controls ADI, a spin-off of the ARC group active in the distribution of glassware, dinnerware and kitchenware in Spain and Portugal;
- ARC Group: active in the production and the distribution of tableware products, in particular glassware, dinnerware and kitchenware.

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 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. The following reference should always be specified:

Case M.9941 — Private Theory Luxco/ARC Group

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal 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 application for a Union amendment to a product specification for a name in the wine sector pursuant to referred to in Article 97(3) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council

(2020/C 325/17)

This publication confers the right to oppose the application pursuant to Article 98 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽¹⁾ within two months from the date of this publication.

APPLICATION FOR A UNION AMENDMENT TO THE PRODUCT SPECIFICATION

'MONTELLO – COLLI ASOLANI'**PDO-IT-A0460-AM02****Date of application: 18.6.2019****1. Applicant and legitimate interest**

Consorzio di Tutela vini DOC Montello e Colli Asolani [Protection association for Montello and Colli Asolani DOC wines]

Producer group for the PDO in question

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

- Name of product
- Category of the grapevine product
- Link
- Marketing restrictions

3. Description and reasons for amendment**3.1. Amendment to name of designation**

Heading in the product specification affected by the amendment(s)

Articles 1, 2, 3, 4, 5, 6, 7, 8 and 9

Description and reasons

The amendment involves a change to the name of the PDO from 'Montello – Colli Asolani' to 'Asolo Montello'/ 'Montello Asolo'.

The existing name 'Colli Asolani' has been shortened to the geographical name 'Asolo' followed by the geographical name 'Montello', which remains unchanged. This will be the fully name of the designation 'Montello Asolo' and there will also be the option of using the alternative name 'Asolo Montello'.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

The partial amendment in question does not affect the geographical identity of the designation or the boundaries of the respective production area, which remains unchanged.

'Asolo' is the geographical name of the historical town and present-day commune located in Treviso province, which used to be – and indeed, still is – the economic and cultural centre of reference for the part of the hilly territory where the production area for the wine in question is located. The geographical name 'Asolo' is therefore ideal for identifying this part of the territory that used to be referred to as the 'Colli Asolani'.

In that regard, the intention behind the new name for the PDO, 'Asolo Montello', or the alternative version 'Montello Asolo', is to underline the link between this wine designation and the adjoining demarcated geographical territory which is known for the historical town of Asolo and the Montello hills.

Moreover, as the two above-mentioned adjoining geographical areas that together make up the production area have the same soil characteristics, climate and cultural history, the intention behind the alternative name for the PDO 'Asolo Montello'/'Montello Asolo' is to exclude any possibility of one of the geographical names being considered more important than the other.

This amendment concerns the entire product specification and the entire single document, each time the designation name is referred to.

SINGLE DOCUMENT

1. Name of product

Asolo Montello

Montello Asolo

2. Geographical indication type

PDO – Protected Designation of Origin

3. Categories of grapevine products

1. Wine

5. Quality sparkling wine

4. Description of the wine(s)

'Asolo Montello'/'Montello Asolo' Bianco (wine category)

Colour: straw yellow with pale green tints;

Aroma: slightly fruity;

Taste: harmonious, fresh, fine with ageing;

Minimum total alcoholic strength by volume: 11,50 % vol;

Minimum sugar-free extract: 15,0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics

Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	5,0 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Chardonnay, Pinot bianco, Pinot grigio (wine categories)

Colour: golden yellow of varying intensity for the Chardonnay; straw yellow for the Pinot Bianco; straw yellow with hints of gold for the Pinot Grigio;

Aroma: fruity, distinctive for the Chardonnay; delicate, fine, distinctive for the Pinot Bianco; exotic fruits and sometimes slightly spicy for the Pinot Grigio;

Taste: fruity, subtle, delicate to intense for the Chardonnay; fresh, sapid, elegant for the Pinot Bianco; warm, rich, velvety for the Pinot Grigio;

Minimum total alcoholic strength by volume: 11,00 % vol.;

Minimum sugar-free extract: 16,0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	5,0 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Bianchetta (wine category)

Colour: straw yellow, occasionally deep, with pale green tints;

Aroma: ranging from apple to exotic fruits and hazelnut with ageing;

Taste: fresh, sapid, with slight hints of tannin;

Minimum total alcoholic strength by volume: 11,00 % vol.;

Minimum sugar-free extract: 16,0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	5,5 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Manzoni Bianco (wine category)

Colour: straw yellow, occasionally with pale green tints;

Aroma: fruity, distinctive;

Taste: fresh, rich, sapid, velvety;

Minimum total alcoholic strength by volume: 12 % vol.;

Minimum sugar-free extract: 17,0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	5,0 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Chardonnay, Pinot bianco spumante (quality sparkling wine category)

Colour: bright straw yellow, with lasting foam for the Chardonnay; bright straw yellow, with lasting foam for the Pinot Bianco;

Aroma: fruity, delicate for the Chardonnay; fine, distinctive for the Pinot Bianco;

Taste: sapid, distinctive, from extra brut to dry for the Chardonnay; distinctive, full-bodied, from extra brut to dry for the Pinot Bianco;

Minimum total alcoholic strength by volume: 11,50 % vol.;

Minimum sugar-free extract: 16,0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	5,0 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Rosso (wine category)

Colour: ruby red, tending to garnet with age;

Aroma: intense, distinctive, pleasant, tending to ethereal with age;

Taste: sapid, robust, slightly herbaceous, harmonious;

Minimum total alcoholic strength by volume: 12,00 % vol.;

Minimum sugar-free extract: 21,0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	4,5 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Merlot (wine category)

Colour: ruby red, tending towards pomegranate with ageing;

Aroma: vinous, intense, distinctive when young, more delicate, ethereal and pleasant when aged;

Taste: sapid, full-bodied, with hints of tannin, harmonious;

Minimum total alcoholic strength by volume: 11,00 % vol.;

Minimum sugar-free extract: 21,0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	4,5
Minimum total acidity	
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Cabernet, Cabernet Sauvignon; Cabernet Franc (wine category)

Colour: Ruby red, almost garnet with ageing for the Cabernet and Cabernet Sauvignon; ruby red with violet tints tending to garnet with age for the Cabernet Franc;

Aroma: vinous, intense, distinctive for the Cabernet and Cabernet Sauvignon vinous, slightly herbaceous, ethereal when aged for the Cabernet Franc;

Taste: sapid, full-bodied, slightly herbaceous, slight hints of tannins, harmonious, distinctive for the Cabernet; full-bodied, with good structure, harmonious for the Cabernet Sauvignon; dry, sapid, full-bodied, slightly herbaceous, slight hints of tannins, harmonious and distinctive for the Cabernet Franc;

Minimum total alcoholic strength by volume: 11,50 % vol.;

Minimum sugar-free extract: 21,0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	4,5 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Venegazzù and Venegazzù Superiore (wine categories)

Colour: intense ruby red or garnet;

Aroma: vinous, intense and ethereal;

Taste: robust, full-bodied, harmonious, well-structured;

Minimum total alcoholic strength by volume: 12,50 % vol.; (13,00 % for the Superior version)

Minimum sugar-free extract: 23 g/l (25 g/l for the Superior version).

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	4,5 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Carmenère (wine category)

Colour: ruby red, tending to garnet depending on the stage of evolution of the wine;

Aroma: nuances of a slightly herbaceous aroma progressing to ripe red fruits;

Taste: smooth, well-balanced and long-lasting;

Minimum total alcoholic strength by volume: 11,50 % vol.;

Minimum sugar-free extract: 21,0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	4,5 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

'Asolo Montello'/'Montello Asolo' Recantina (wine category)

Colour: violet red, tending to garnet with age;

Aroma: intense, distinctive, tending to ethereal with age;

Taste: dry, spicy, sapid, robust, harmonious;

Minimum total alcoholic strength by volume: 11,50 % vol.;

Minimum sugar-free extract: 19.0 g/l.

Any analytical parameters not shown in the table below comply with the limits laid down in national and EU legislation.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	4,5 grams per litre expressed as tartaric acid
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

5. Wine-making practices

a. Specific oenological practices

None

b. Maximum yields

Venegazzù

70 hectolitres per hectare

Merlot, Bianchetta, Chardonnay, Glera, Pinot bianco

84 hectolitres per hectare

Cabernet Franc, Cabernet Sauvignon, Carmenere, Recantina, Manzoni Bianco, Pinot grigio

77 hectolitres per hectare

6. Demarcated geographical area

- (A) The production area for the grapes used to make 'Asolo Montello'/'Montello Asolo' wines covers the entire territory of the municipalities of Castelcuoco, Cornuda and Monfumo and part of the territory of the following municipalities: Asolo, Borso del Grappa, Caerano S. Marco, Cavaso del Tomba, Crespano del Grappa, Crocetta del Montello, Fonte, Giavera del Montello, Maser, Montebelluna, Nervesa della Battaglia, Paderno del Grappa, Pederobba, Possagno, S. Zenone degli Ezzelini and Volpago del Montello.

The boundary of this area is defined as follows: From the locality of Ciano in the municipality of Crocetta del Montello the boundary continues eastward along the 'Panoramica del Montello' provincial road as far as the exit point at the intersection of the 'transversale del Montello' road with No 14. From the intersection it follows a vertical line with respect to the 'Panoramica' until it reaches the edge of the hill which overlooks the Piave river. From there the boundary continues eastward along the upper section of the Montello slope which runs alongside the Piave as far as the locality of Case Saccardo in the municipality of Nervesa della Battaglia. It then turns south-eastward along the border between the municipalities of Nervesa and Susegana and along the Piave coast road which passes by the tide gauge and leads to the village of Nervesa, from where it turns westward along State road No 248 'Schiavonesca Marosticana' which runs to the border between the provinces of Treviso and Vicenza, at about the 42 500 km mark in the commune of S. Zenone degli Ezzelini.

From there it turns northward from the border between the provinces of Treviso and Vicenza where in the municipality of Borso del Grappa it follows the contour line corresponding to 400 m above sea level. From then on, the boundary continues to follow the above contour line in the same direction, passing villages belonging to the municipalities of Borso del Grappa, Crespano del Grappa, Possagno, Cavaso del Tomba and Pederobba. Once it reaches the municipality of Pederobba, it continues southward from the point at 400 m above sea level where it meets the Calpiana road, which, to the south-east, leads to the 'Pedemontana del Grappa' provincial road past the Pedemontana estate.

Going down that road, it joins the 'Pedemontana del Grappa', running along that road until its intersection with State road No 348 'Feltrina' after the village of Pederobba.

It then follows the State road to Onigo di Pederobba, from where it turns eastward along the road to Covolo as far as Pieve, and Rive. Then it follows the Brentella canal as far as the 160 point and then swings north-eastward towards Covolo, passing through and entering Barche, where it reaches the point of 146 m above sea level in the vicinity of the Piave river. From the 146 point, it then continues southward along that road until its intersection with the road to Crocetta del Montello at about the 27 800 km point.

The boundary then continues southward along that road as far as the locality of Fornace, where it turns south-eastward onto the road leading to Rivasecca, passing through and continuing south-eastward on the road that runs alongside the Castelviero canal, until it reaches the locality of Ciano from where the delineation started.

- (B) The production area for the grapes used to produce 'Asolo Montello'/'Montello Asolo' Sottozona Venegazzù wine includes part of the territory of the municipality of Volpago del Montello and more specifically the part of the Venegazzù section that corresponds to cadastral sheet No 16.

The boundary of this area is defined as follows:

Starting out at exactly the 65 000 km point of State road No 248 'Schiavonesca Marosticana' (referred to as 'Via Jacopo Gasparini' here) in front of the monumental 'Spineda Loredan' Palladian villa, it continues eastward as far as the cadastral boundaries of the subdivision of Venegazzù (represented by the border between cadastral sheets Nos 16 and 21 belonging to the municipality of Volpago del Montello). Then it turns left towards the north, following the cadastral boundaries of the subdivision of Venegazzù as far as the Via Frà Giocondo at the 'Case Semezin' point. It then turns left again towards the West, all the while following the cadastral boundaries of the

subdivision of Venegazzù (border between cadastral sheet 16 and cadastral sheets 13 and 12). It runs along the Via Fra Giocondo, following the Brentella canal from the Montello forest to the administrative boundaries of the municipalities of Volpago del Montello and Montebelluna (marked by the continuous dots (...) on the technical maps for the region). Having passed the Brunetta estate (115 m above sea level), it continues along the administrative boundaries of the municipality of Volpago del Montello as far as State road No 248 'Schiavonesca Marosticana' (at the 63 730 km point), from where it follows the State road as far as the 65 000 km point, thus returning to the point of departure.

The description of the production area for the Venegazzù type refers to the following elements on the Regional Technical Map: element N. 105 024 Volpago del Montello and the administrative boundaries of the municipality of Volpago del Montello.

7. **Wine grapes variety(ies)**

Cabernet Franc N. – Cabernet

Pinot Bianco B. – Pinot Blanc

Pinot Grigio – Pinot Gris

Pinot Grigio – Ruländer

Glera Lunga B. – Glera

Recantina N.

Carmenère N. – Cabernet

Merlot N.

Chardonnay B.

Carmenère N. – Cabernet Italiano

Pinot Grigio – Pinot

Pinot Bianco B. – Pinot

Carmenère N. – Cabernet Nostrano

Carmenère N.

Manzoni Bianco B. – Incrocio Manzoni 6.0.13 B [Manzoni hybrid].

Bianchetta Trevigiana B. – Bianchetta

Cabernet Sauvignon N. – Cabernet

8. **Description of the link(s)**

'Asolo Montello'/'Montello Asolo' – Category: Wine; Quality sparkling wine

Natural factors

The production area for 'Asolo Montello'/'Montello Asolo' wine is located in the Veneto region north of Venice, in Treviso province, below the hillsides of Montello and the Colli Asolani in the foothills of the Dolomites, between Nervesa della Battaglia in the east and the village of Fonte in the west. These two almost vertical hill systems, separated by a deep incision spanning almost a kilometre long, form a single geological entity. Ranging in altitude between 100 and 450 metres above sea level, they form a distinctive landscape with strong features and a layout with gentle, harmonious slopes and curves. The hills consist of large formations of hard aggregate consisting of cemented rock and covered in marly-loamy or marly-sandy soil that is well-suited to tillage and prone to loosening when exposed to the elements. Its characteristically red colouring is evidence of its ancient origin. The soils are decarbonated and acidic, of medium depth, with good capacity for water storage and considerable mineral content. As they have not undergone any major disturbances, their original characteristics have been preserved. The stratigraphy has been kept intact and the texture has not been shattered. There is a high degree of microbiological activity in the organic substance, which ensures the ready availability of nutrients. The aggregate mass is often prone to more or less vertical cracks that promote the circulation of water underground and the formation of karstic features, such as some 2 000 'dolines' or sinkholes, especially in Montello. These holes in the ground of varying sizes form a perfect system for underground drainage. The specific climate in the territory consists of mild springs, summers that are not excessively hot and autumns that are again mild due to the south-facing slopes covered in vines and the layout of the relief with orthogonal sections exposed to the cooler winds from the North-East. The average temperature in summer is 22,6 °C and the highest temperatures are reached in July. The autumns are hot and dry.

Rainfall is about 700 mm from April to September and fairly evenly distributed. This precipitation falls on the soil slopes so excess water is easily drained off and the loose texture of the soil means that it is rapidly assimilated.

Historical factors

Vineyards were first planted and developed on the Colli Asolani and Montello hillsides by Benedictine monks and later by the Venetian Republic. The Benedictine monks settled in the area around the year 1000 A.D., in particular at the monastery of Santa Bona in Vidor and the charterhouse of Montello in Nervesa. Their work had a profound impact on the area's farming and winegrowing history and helped shape a culture centred on vine cultivation and wine that is still very much alive today. In the second half of the fourteenth century, when the area passed into Venetian hands, the Colli Asolani and Montello hills were rapidly identified as an important winegrowing area. Its wines were being exported as early as the year 1400. In the sixteenth century, the area became renowned for the aristocratic pursuits of seeking out the beauty and goodness to be found in the winegrowing and winemaking traditions. The area was admired by the most prestigious public figures and the wine a sought-after product putting Venice on a par with the wine brought in from Greece.

Human factors

For 'Asolo Montello'/'Montello Asolo', the ancient family-run farms where wine was an important part of the everyday diet and the local economy, formed a landscape that has remained largely unchanged. The original soils have been preserved and are therefore very suitable for tillage. The non-invasive vines share the land with other crops today.

The strong Venetian civilisation gave rise to lively, dynamic entrepreneurship in the area. The Conegliano School of Oenology founded in 1876 and the Centre for Research into Viticulture located a few kilometres away have enabled the operators to evolve and specialise. The result is a flourishing winegrowing culture which makes the most of the splendid natural vocation of the territory.

These factors combine to create invaluable wealth which significantly contributes towards the varietal and oenological wealth of the Asolo Montello area.

The hillside areas are particularly suited to producing perfumed and highly sapid white wines, featuring fruity and spicy notes. In this environment, the cold currents mean the grapes have a higher content in organic acids, particularly malic acid. These grapes are ideal for sparkling wines, which are characteristically elegant and aromatic.

The valley and plain areas, on the other hand, with their deeper and more fertile soils, are suited to producing smooth, aristocratic wines, with the high phenolic and aromatic composition needed for red wines. They feature grassy and ripe fruit notes, together with a good balance of sugars and acids and a full-bodied structure. The age-old native Bianchetta and Recantina varieties add originality to the range of wines.

'Asolo Montello'/'Montello Asolo' – Quality sparkling wines category

Information on the quality/characteristics of the wine essentially attributable to the geographical environment:

The wines of the 'Asolo Montello'/'Montello Asolo' designation in the 'quality sparkling wines' category are straw yellow in colour ranging from pale to bright in intensity, with the lingering bubbles that are typical of the quality sparkling wine category.

The organoleptic tests on the quality sparkling version of 'Asolo Montello'/'Montello Asolo' designation wines reveal citrus notes and aromas of flowers, fruit and dried fruit, enhanced by a freshly acidic taste and elegant body.

Causal interaction between the elements of the geographical area and the quality and characteristics of the product essentially attributable to the geographical environment:

The organoleptic properties of 'Asolo Montello'/'Montello Asolo' designation wines in the quality sparkling wines category described above are due to the effects of the soil and climate conditions in the production area combined with the human factors that have influenced technological innovation in the production process for these sparkling wines.

The rainfall and the hillside location of the soils mean that vineyard workers have to carry out much of their work by hand and this has an impact on the balanced growth of the vines. The skill of the winegrowers and the loose texture of the soil enables water to be rapidly absorbed into the subsoil. This means that the vine varieties used for the quality sparkling wine category of the 'Asolo Montello'/'Montello Asolo' designation grow at a pace that is vigorous yet at the same time measured and well-balanced. This in turn protects the grape bunches and preserves the substances that give them their distinctive and delicately fruity aroma.

Combined with the developments and innovations in the winegrowing techniques over the years, the acidic nature of the soils enables the plants to absorb a higher number of microelements than they would in neutral soils, allowing the vines to achieve balanced vegetative and productive growth.

The soil particle size and composition are such that the roots have access to a regular water supply, which is essential in achieving vines with fresh, acidic aromas.

These characteristics are enhanced by the technological innovation of the autoclave processes, a technology which is efficient in transforming the yeasts and therefore enhancing the fruit and citrus notes.

'Asolo Montello'/'Montello Asolo' – wine category

Information on the quality/characteristics of the wine essentially attributable to the geographical environment:

The wines from the 'Asolo Montello'/'Montello Asolo' designation in the 'Wine' category are ruby red in colour, tending to garnet with age in the case of red wines and straw yellow to golden yellow of varying intensity in the case of white wines.

The aroma of the red wines tends to be sapid, harmonious, slightly tannic and slightly herbaceous with a soft feel.

The white wines, on the other hand, have a fresh, sapid, fruity and harmonious aroma.

In the nose, the red wines are intensely vinous, with good, well-balanced structure and a diversified aromatic composition.

The white wines, on the other hand, have intensely floral and fruity aromas in the nose with notes of citrus and fresh fruits, enhanced by a fresh acidity.

Causal interaction between the elements of the geographical area and the quality and characteristics of the product essentially attributable to the geographical environment:

The distinctiveness of the 'Asolo Montello'/'Montello Asolo' red wines in the 'wine' category is the result of the combination of the climate conditions in the production area, the human factors that have had an impact on the potential of the grapes for winemaking and the winegrowing technologies used in the past and to the present day.

In particular, the geographical environment in the production area is characterised by slopes which are exposed to the sun and protected from the cold winds from the north. This favours mild conditions in autumn.

This, combined with the age-old expertise of the winegrowers in training and growing vigorous vines that are well adapted to the characteristics of the soils in the production area, allows for a long ripening period that over time mellows out the coarse and herbaceous notes, leaving space for the maturing of the sugar and phenolic compounds producing smooth, aristocratic wines.

Particularly where the soils contain a thin layer of marl, the red wines have a high phenolic content, diverse aromas and a good balance between sugars and acids. This is what determines the ruby red colour which tends to garnet with ageing and the aromas with notes ranging from slightly herbaceous to fully ripe red fruit. The harmonious, full-bodied taste has good structure and can be sapid, slightly tannic, smooth, spicy and slightly herbaceous.

On the other hand, the white 'Asolo Montello'/'Montello Asolo' wines in the 'wine' category are the result of the mild summers which prevent the grapes from ripening too soon, with low acidic levels and very sweet and exotic aromatic notes.

The combination of the winegrowers' expertise in managing the vines (from selecting the stocks and deciding on the growing method to managing the growth of the vines) with the very fertile soils and significant temperature variations favours the synthesis of the terpenes and benzene compounds which are responsible for the citrus, floral and fresh fruit notes enhanced with a fresh acidic taste and elegant body.

9. **Specific further requirements (packaging, labelling, other requirements)**

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Link to the product specification

<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/15006>

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