

Official Journal of the European Union

C 89



English edition

Information and Notices

Volume 65

25 February 2022

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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.10577 – FSN CAPITAL VI / OPTIGROUP / HYGAS / BFG / TPC)****(Text with EEA relevance)**

(2022/C 89/01)

On 17 February 2022, 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 policy’ 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 32022M10577. EUR-Lex is the online point of access to European Union 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⁾

24 February 2022

(2022/C 89/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1163	CAD	Canadian dollar	1,4316
JPY	Japanese yen	128,28	HKD	Hong Kong dollar	8,7178
DKK	Danish krone	7,4405	NZD	New Zealand dollar	1,6692
GBP	Pound sterling	0,83463	SGD	Singapore dollar	1,5125
SEK	Swedish krona	10,7338	KRW	South Korean won	1 347,70
CHF	Swiss franc	1,0320	ZAR	South African rand	17,1634
ISK	Iceland króna	142,00	CNY	Chinese yuan renminbi	7,0601
NOK	Norwegian krone	10,0878	HRK	Croatian kuna	7,5520
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	16 074,00
CZK	Czech koruna	25,090	MYR	Malaysian ringgit	4,6896
HUF	Hungarian forint	368,63	PHP	Philippine peso	57,450
PLN	Polish zloty	4,6554	RUB	Russian rouble	95,7175
RON	Romanian leu	4,9501	THB	Thai baht	36,514
TRY	Turkish lira	16,0525	BRL	Brazilian real	5,6874
AUD	Australian dollar	1,5593	MXN	Mexican peso	22,9355
			INR	Indian rupee	84,2960

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

V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of
certain heavy plate of non-alloy or other alloy steel originating in the People's Republic of China**

(2022/C 89/03)

Following the publication of a Notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on the imports of certain heavy plate of non-alloy or other alloy steel originating in the People's Republic of China ('the country concerned' or 'the PRC'), the European Commission ('the Commission') has received a request for a review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽²⁾ ('the basic Regulation').

1. Request for review

The request was submitted on 26 November 2021 by the European Steel Association EUROFER ('the applicant') on behalf of the Union industry of certain heavy plate of non-alloy or other alloy steel in the sense of Article 5(4) of the basic Regulation.

An open version of the request and the analysis of the degree of support by Union producers for the request are available in the file for inspection by interested parties. Section 5.6 of this Notice provides information about access to the file for interested parties.

2. Product under review

The product subject to this review is flat products of non-alloy or alloy steel (excluding stainless steel, silicon-electrical steel, tool steel and high-speed steel), hot-rolled, not clad, plated or coated, not in coils, of a thickness exceeding 10 mm and of a width of 600 mm or more or of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more, ('the product under review' or 'heavy plate'), currently falling under CN codes ex 7208 51 20, ex 7208 51 91, ex 7208 51 98, ex 7208 52 91, ex 7208 90 20, ex 7208 90 80, 7225 40 40, ex 7225 40 60 and ex 7225 99 00 (TARIC codes: 7208 51 20 10, 7208 51 91 10, 7208 51 98 10, 7208 52 91 10, 7208 90 20 10, 7208 90 80 20, 7225 40 60 10 and 7225 99 00 45). The CN and TARIC codes are given for information only.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Commission Implementing Regulation (EU) 2017/336 ⁽³⁾.

⁽¹⁾ OJ C 209, 2.6.2021, p. 24.

⁽²⁾ OJ L 176, 30.6.2016, p. 21.

⁽³⁾ Commission Implementing Regulation (EU) 2017/336 of 27 February 2017 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain heavy plate of non-alloy or other alloy steel originating in the People's Republic of China, OJ L 50, 28.2.2017, p.18 and Commission Implementing Regulation (EU) 2019/1382 of 2 September 2019 amending certain Regulations imposing anti-dumping or anti-subsidy measures on certain steel products subject to safeguard measures (OJ L 227, 3.9.2019, p. 1).

4. Grounds for the review

The request is based on the grounds that the expiry of the measures would be likely to result in continuation or recurrence of dumping and continuation or recurrence of injury to the Union industry.

4.1. Allegation of likelihood of continuation or recurrence of dumping

The applicant claimed that it is not appropriate to use domestic prices and costs in the PRC, due to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation.

To substantiate the allegations of significant distortions, the applicant relied on the information contained in the country report produced by the Commission services on 20 December 2017 describing the specific market circumstances in the PRC ⁽⁴⁾. In particular, the applicant referred to distortions such as State presence in general and more specifically in the steel sector (non-alloy or other alloy steel being the main material of heavy plate) and distortions with regard to land, energy, raw materials and labour.

In addition, the applicant relied on publicly available information, in particular on the statements made by the National Development and Reform Commission of the People's Republic of China (NDRC) ⁽⁵⁾, the 13th five-year plan (2016-2020) ⁽⁶⁾ and the 14th Five-year planning cycle (2021-2025) ⁽⁷⁾, the regulation imposing a definitive anti-dumping duty on imports of certain organic coated steel products originating in the People's Republic of China ⁽⁸⁾, and the regulations imposing definitive countervailing duties and definitive anti-dumping duty on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel ⁽⁹⁾.

In light of the information available, the Commission considers that there is sufficient evidence pursuant to Article 5(9) of the basic Regulation tending to show that, due to significant distortions affecting prices and costs, the use of domestic prices and costs in the country concerned is inappropriate, thus warranting the initiation of an investigation on the basis of Article 2(6a) of the basic Regulation.

As a result, in view of Article 2(6a)(a) of the basic Regulation, the allegation of continuation or recurrence of dumping from the PRC is based on a comparison of a constructed normal value on the basis of costs of production and sale reflecting undistorted prices or benchmarks in an appropriate representative country with the export price (at ex-works level) of the product under review when sold to the Union and for export to other third countries, in view of the current absence of significant import volumes from the PRC to the Union.

On the basis of the above comparisons, which show dumping, the applicant alleges that there is a likelihood of continuation or recurrence of dumping from the PRC.

⁽⁴⁾ Commission Staff Working Document, on Significant Distortions in the Economy of the People's Republic of China for the Purposes of Trade Defence Investigations, 20 December 2017, SWD(2017) 483 final/2, available at: https://trade.ec.europa.eu/doclib/docs/2017/december/tradoc_156474.pdf.

⁽⁵⁾ NDRC press conference (17 June 2021) http://www.gov.cn/xinwen/2021-06/17/content_5618868.htm (in Chinese). The National Development and Reform Commission of the People's Republic of China, formerly State Planning Commission and State Development Planning Commission, is a macroeconomic management agency under the State Council, which has broad administrative and planning control over the economy of Mainland China.

⁽⁶⁾ The 13th Five-Year Plan for Economic and Social Development of the People's Republic of China (2016- 2020), <http://en.ndrc.gov.cn/newsrelease/201612/P020161207645765233498.pdf>.

⁽⁷⁾ Outline of the 14th Five-Year Programme for National Economic and Social Development of the People's Republic of China and 2035 Long-term Vision, http://www.gov.cn/xinwen/2021-03/13/content_5592681.htm (in Chinese).

⁽⁸⁾ Commission Implementing Regulation (EU) 2019/687 of 2 May 2019 imposing a definitive anti-dumping duty on imports of certain organic coated steel products originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 116, 3.5.2019, p. 5).

⁽⁹⁾ Commission Implementing Regulation (EU) 2017/969 of 8 June 2017 imposing definitive countervailing duties on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China and amending Commission Implementing Regulation (EU) 2017/649 imposing a definitive anti-dumping duty on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China (OJ L 146, 9.6.2017, p. 17).

In light of the information available, the Commission considers that there is sufficient evidence pursuant to Article 5(9) of the basic Regulation tending to show that, due to significant distortions affecting prices and costs, the use of domestic prices and costs in the country concerned is inappropriate, thus warranting the initiation of an investigation on the basis of Article 2(6a) of the basic Regulation.

The country report is available in the file for inspection by interested parties and on DG Trade's Internet: ⁽¹⁰⁾.

4.2. Allegation of likelihood of continuation or recurrence of injury

The applicant alleges the likelihood of continuation or recurrence of injury. In this respect the applicant has provided sufficient evidence that, should measures be allowed to lapse, the current import level of the product under review from the country concerned to the Union is likely to increase due to the existence of unused capacity of the producers in the People's Republic of China. In addition, the imposition of trade defence measures by several other third countries on heavy plate would make the Union market more attractive to PRC exports if the measures lapse.

The applicant alleges that the Union industry has been suffering material injury for a long time and that continuation of the current measures is necessary to restore and maintain fair trade conditions on the Union market and prevent recurrence of injury caused by dumped imports from the country concerned. The applicant outlined that the Union market is still in an injurious and fragile situation and that a substantial increase of imports at dumped prices from the country concerned would be likely to cause further injury to the Union industry.

5. Procedure

Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence of a likelihood of dumping and injury exists to justify the initiation of an expiry review, the Commission hereby initiates a review in accordance with Article 11(2) of the basic Regulation.

The expiry review will determine whether the expiry of the measures would be likely to lead to a continuation or recurrence of dumping of the product under review originating in People's Republic of China and a continuation or recurrence of injury to the Union industry.

The Commission also draws the attention of the parties to the published Notice ⁽¹¹⁾ on the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations that may be applicable to this proceeding.

5.1. Review investigation period and period considered

The investigation of a continuation or recurrence of dumping will cover the period from 1 January 2021 to 31 December 2021 ('the review investigation period'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury will cover the period from 1 January 2018 to the end of the investigation period ('the period considered').

5.2. Comments on the request and the initiation of the investigation

All interested parties wishing to comment on the request (including matters pertaining to injury and causality) or any aspects regarding the initiation of the investigation (including the degree of support for the request) must do so within 37 days of the date of publication of this Notice in the *Official Journal of the European Union* ⁽¹²⁾.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

⁽¹⁰⁾ Documents cited in the country report may also be obtained upon a duly reasoned request.

⁽¹¹⁾ OJ C 86, 16.3.2020, p. 6 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0316%2802%29>).

⁽¹²⁾ All references to the publication of this Notice will be references to publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

5.3. Procedure for the determination of a likelihood of continuation or recurrence of dumping

In an expiry review, the Commission examines exports that were made to the Union in the review investigation period and, irrespective of exports to the Union, considers whether the situation of the companies producing and selling the product under review in the country concerned is such that exports at dumped prices to the Union would be likely to continue or recur if measures expire.

Therefore, all producers ⁽¹³⁾ of the product under review from the country concerned, including those that did not cooperate in the investigation(s) leading to the measures in force, are invited to participate in the Commission investigation.

5.3.1. Investigating producers in the country concerned

In view of the potentially large number of producers in the People's Republic of China involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission may limit the producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all producers, or representatives acting on their behalf, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, are hereby requested to provide the Commission with information on their companies within 7 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address: https://tron.trade.ec.europa.eu/tron/tdi/form/R761_SAMPLING_FORM_FOR_EXPORTING_PRODUCER. Tron access information can be found in sections 5.6 and 5.9 below.

In order to obtain the information it deems necessary for the selection of the sample of producers, the Commission will also contact the authorities of the People's Republic of China and may contact any known associations of producers in this country.

If a sample is necessary, the producers will be selected based on the largest representative volume of production, sales or exports which can reasonably be investigated within the time available. All known producers in the People's Republic of China, the authorities of the country concerned and associations of producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

Once the Commission has received the necessary information to select a sample of producers, it will inform the parties concerned of its decision whether they are included in the sample. The sampled producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

The Commission will add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

A copy of the questionnaire for producers in the country concerned is available in the file for inspection by interested parties and on DG Trade's Internet: https://trade.ec.europa.eu/tdi/case_details.cfm?id=2583.

Without prejudice to the possible application of Article 18 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating.

5.3.2. Additional procedure with regard to the PRC that is subject to significant distortions

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence regarding the application of Article 2(6a) of the basic Regulation. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice.

⁽¹³⁾ A producer is any company in the country concerned which produces the product under review, including any of its related companies involved in the production, domestic sales or exports of the product under review.

In particular, the Commission invites all interested parties to make their views known on the inputs and the Harmonised System (HS) codes provided in the request, propose (an) appropriate representative country(ies) and provide the identity of producers of the product under review in those countries. This information and supporting evidence must reach the Commission within 15 days of the date of publication of this Notice.

Pursuant to point (e) of Article 2(6a) of the basic Regulation, the Commission will, shortly after initiation, by means of a note to the file for inspection by interested parties, inform parties to the investigation about the relevant sources that it intends to use for the purpose of determining normal value in the PRC pursuant to Article 2(6a) of the basic Regulation. This will cover all sources, including the selection of an appropriate representative third country where appropriate. Parties to the investigation shall be given 10 days from the date at which that note is added to that file to submit comments.

According to the information available to the Commission, a possible representative third country for the PRC in this case is Brazil. With the aim of finally selecting the appropriate representative third country, the Commission will examine whether there are countries with a similar level of economic development as the PRC, in which there is production and sales of the product under review and in which relevant data are readily available. Where there is more than one such country, preference will be given, where appropriate, to countries with an adequate level of social and environmental protection.

With regard to the relevant sources, the Commission invites all producers in the PRC to provide information on the materials (raw and processed) and energy used in the production of the product under review within 15 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address: https://fmt.trade.ec.europa.eu/fmt/R761_INFO_ON_INPUTS_FOR_EXPORTING_PRODUCER_FORM/management/preview. Tron access information can be found in sections 5.6 and 5.9 below.

Furthermore, any submissions of factual information to value costs and prices pursuant to point (a) of Article 2(6a) of the basic Regulation must be filed within 65 days of the date of publication of this Notice. Such factual information should be taken exclusively from publicly available sources.

In order to obtain the information it deems necessary for its investigation with regard to the alleged significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission will also make available a questionnaire to the Government of the PRC.

5.3.3. Investigating unrelated importers ⁽¹⁴⁾ ⁽¹⁵⁾

Unrelated importers of the product under review from the country concerned to the Union, including those that did not cooperate in the investigation leading to the measures in force, are invited to participate in this investigation.

⁽¹⁴⁾ Only importers not related to producers in the country(ies) concerned can be sampled. Importers that are related to producers have to fill in Annex I to the questionnaire for these producers. In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, "person" means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

⁽¹⁵⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

In view of the potentially large number of unrelated importers involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, are hereby requested to make themselves known to the Commission. These parties must do so within 7 days of the date of publication of this Notice by providing the Commission with the information on their company(ies) requested in Annex to this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under review from the country concerned in the Union that can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

The Commission will also add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

In order to obtain the information it deems necessary for its investigation, the Commission will make available questionnaires to the sampled unrelated importers. Those parties must submit a completed questionnaire within 30 days from the date of the notification of the sample selection, unless otherwise specified.

A copy of the questionnaire for unrelated importers is available in the file for inspection by interested parties and on DG Trade's Internet: https://trade.ec.europa.eu/tdi/case_details.cfm?id=2583.

5.4. Procedure for the determination of a likelihood of a continuation or recurrence of injury

In order to establish whether there is a likelihood of a continuation or recurrence of injury to the Union industry, the Commission invites Union producers of the product under review to participate in the investigation.

5.4.1. Investigating Union producers

In view of the large number of Union producers involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties.

Interested parties are hereby invited to comment on the provisional sample. In addition, other Union producers, or representatives acting on their behalf, including Union producers who did not cooperate in the investigation(s) leading to the measures in force, that consider that there are reasons why they should be included in the sample must contact the Commission within 7 days of the date of publication of this Notice. All comments regarding the provisional sample must be received within 7 days of the date of publication of this Notice, unless otherwise specified.

The Commission will notify all known Union producers and/or associations of Union producers of the companies finally selected to be in the sample.

The sampled Union producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

A copy of the questionnaire for Union producers is available in the file for inspection by interested parties and on DG Trade's Internet: https://trade.ec.europa.eu/tdi/case_details.cfm?id=2583.

5.5. ***Procedure for the assessment of Union interest***

Should the likelihood of continuation or recurrence of dumping and injury be confirmed, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether maintaining the anti-dumping measures would not be against the Union interest.

Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations are invited to provide the Commission with information on the Union interest.

Information concerning the assessment of the Union interest must be provided within 37 days of the date of publication of this Notice, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission.

A copy of the questionnaires, including the questionnaire for users of the product under review, is available in the file for inspection by interested parties and on DG Trade's Internet: https://trade.ec.europa.eu/tdi/case_details.cfm?id=2583.

In any case, information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission, which substantiates its validity.

5.6. ***Interested parties***

In order to participate in the investigation, interested parties, such as producers in the country concerned, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under review.

Producers in the country concerned, Union producers, importers and representative associations who made information available in accordance with the procedures described in sections 5.3.1, 5.3.3 and 5.4.1 will be considered as interested parties if there is an objective link between their activities and the product under review.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under review. Being considered as an interested party is without prejudice to the application of Article 18 of the basic Regulation.

Access to the file available for inspection for interested parties is made via Tron.tdi at the following address: <https://tron.trade.ec.europa.eu/tron/TDI>. Please follow the instructions on that page to get access ⁽¹⁶⁾.

5.7. ***Other written submissions***

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice.

5.8. ***Possibility to be heard by the Commission investigation services***

All interested parties may request to be heard by the Commission investigation services. Any request to be heard must be made in writing and must specify the reasons for the request as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

⁽¹⁶⁾ In case of technical problems please contact the Trade Service Desk by email: trade-service-desk@ec.europa.eu or by telephone. +32 22979797.

5.9. *Instructions for making written submissions and sending completed questionnaires and correspondence*

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' ⁽¹⁷⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Interested parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>) including requests to be registered as interested parties, scanned powers of attorney and certification sheets. By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of DG Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:
European Commission
Directorate-General for Trade
Directorate G
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

TRON. tdi: <https://tron.trade.ec.europa.eu/tron/tdi>

Email: TRADE-R761-HP-DUMPING@ec.europa.eu
TRADE-R761-HP-INJURY@ec.europa.eu

6. **Schedule of the investigation**

The investigation shall normally be concluded within 12 months and in any event no later than 15 months from the date of the publication of this Notice, pursuant to Article 11(5) of the basic Regulation.

⁽¹⁷⁾ A 'Sensitive' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

7. **Submission of information**

As a rule, interested parties may only submit information in the timeframes specified in section 5 of this Notice.

In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

8. **Possibility to comment on other parties' submissions**

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Comments on the information provided by other interested parties in reaction to the disclosure of the definitive findings should be submitted within 5 days from the deadline to comment on the definitive findings, unless otherwise specified. If there is an additional final disclosure, comments on the information provided by other interested parties in reaction to this further disclosure should be made within 1 day from the deadline to comment on this further disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

9. **Extension to time limits specified in this Notice**

Extensions to time limits provided for in this Notice may be granted upon request of interested parties showing due cause.

Any extension to the time limits provided for in this Notice should only be requested in exceptional circumstances and will only be granted if duly justified. In any event, any extensions to the deadline to reply to questionnaires will be limited normally to 3 days, and as a rule will not exceed 7 days. Regarding time limits for the submission of other information specified in the Notice of initiation, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

10. **Non-cooperation**

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

11. **Hearing Officer**

Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's Internet: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>.

12. Possibility to request a review under Article 11(3) of the basic Regulation

As this expiry review is initiated in accordance with the provisions of Article 11(2) of the basic Regulation, the findings thereof will not lead to the existing measures being amended but will lead to those measures being repealed or maintained in accordance with Article 11(6) of the basic Regulation.

If any interested party considers that a review of the measures is warranted so as to allow for the possibility to amend the measures, that party may request a review pursuant to Article 11(3) of the basic Regulation.

Parties wishing to request such a review, which would be carried out independently of the expiry review mentioned in this Notice, may contact the Commission at the address given above.

13. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁸⁾.

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG Trade's Internet: <http://ec.europa.eu/trade/policy/accessing-markets/trade-defence/>.

⁽¹⁸⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

ANNEX

<input type="checkbox"/>	'Sensitive' version ⁽¹⁾
<input type="checkbox"/>	Version 'For inspection by interested parties' (tick the appropriate box)

EXPIRY REVIEW OF THE ANTI-DUMPING MEASURES APPLICABLE TO IMPORTS OF CERTAIN HEAVY PLATE OF NON-ALLOY OR OTHER ALLOY STEEL ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.3.3 of the Notice of initiation.

Both the 'Sensitive' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the Notice of initiation.

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
Email address	
Telephone number	

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of the company, and the value in euros (EUR) and volume for imports into the Union ⁽²⁾ and resales on the Union market after importation from the People's Republic of China, during the review investigation period, of the product under review as defined in the Notice of initiation.

	Tonnes	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under review originating in the People's Republic of China into the Union		
Imports of the product under review into the Union (all origins)		
Resales on the Union market after importation from the People's Republic of China of the product under review		

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 21) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

⁽²⁾ The 27 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽³⁾

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under sub-contracting arrangements, or processing or trading the product under review.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽³⁾ In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, "person" means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.10600 – EDFI / MUBADALA / EMERGE JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2022/C 89/04)

1. On 17 February 2022, 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:

- EDF International ('EDFI', France), a wholly-owned subsidiary of Electricité de France SA ('EDF', France),
- Abu Dhabi Future Energy Company PJSC - Masdar ('Masdar', United Arab Emirates), a wholly-owned subsidiary of Mubadala Investment Company PJSC ('Mubadala', United Arab Emirates),
- Emerge Limited (the 'JV' or 'Emerge', United Arab Emirates), jointly controlled by EDFI and Masdar.

The concentration consists of the transformation of Emerge, an existing non full-function joint venture which is jointly controlled by EDFI and Masdar, into a full-function joint venture performing on a lasting basis all the functions of an autonomous economic entity within the meaning of Article 3(4) of the Merger Regulation. The concentration is accomplished by way of contract or any other means.

2. The business activities of the undertakings concerned are:

- EDF: the generation, transmission, distribution, supply, and trading of energy in France and internationally,
- Masdar: a renewable energy and sustainability company that advances solutions in energy, water, urban development and clean technologies in the United Arab Emirates and around the world,
- Emerge: the operation of building energy efficiency, on-site solar power generation and public street lighting projects in the United Arab Emirates, and the Kingdom of Saudi Arabia.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

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.10600 – EDFI / MUBADALA / EMERGE JV

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

Prior notification of a concentration
(Case M.10614 – PAI PARTNERS / UVESCO)
Candidate case for simplified procedure

(Text with EEA relevance)

(2022/C 89/05)

1. On 18 February 2022, 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:

- PAI Partners SAS ('PAI Partners', France),
- Uvesco S.A. ('Uvesco', Spain).

PAI Partners will acquire within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Uvesco.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned:

- PAI Partners is a private equity fund active in business services; food & consumer (including Refresco, Anguilas Aguinaga, Froneri, Tropicana, Naked, and Pumica); general industrials, and healthcare,
- Uvesco is a Spanish retailer, active in the sale of daily consumer goods in supermarkets

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.10614 – PAI PARTNERS / UVESCO

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 the amended single document following the approval of a minor amendment pursuant to the second subparagraph of Article 53(2) of Regulation (EU) No 1151/2012

(2022/C 89/06)

The European Commission has approved this minor amendment in accordance with the third subparagraph of Article 6(2) of Commission Delegated Regulation (EU) No 664/2014 ⁽¹⁾.

The application for approval of this minor amendment can be consulted in the Commission's eAmbrosia database.

SINGLE DOCUMENT

'MARRONE DI COMBAI'**EU No: PGI-IT-0565-AM01 – 6.7.2021****PDO () PGI (X)****1. Name**

'Marrone di Combai'

2. Member state or third country

Italy

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

Class 1.6 – Fruit, vegetables and cereals fresh or processed

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

'Marrone di Combai' is a chestnut ecotype that has developed in the typical environment of the Treviso foothills of the Alps.

The chestnuts have the following morphological and commercial characteristics when they are released for consumption:

Ellipsoidal shape, flattened apex. The hilum has a regular, tomentose outline and a clearly visible star pattern. The colour of the pericarp varies from light to dark brown but is never dull. The pericarp itself has evident streaks and must be easily removable from the epispem. The epispem, which is light brown, covers the edible part, with some shallow, infrequent intrusions, meaning that it can be easily separated from the flesh during peeling. The kernel – normally one per nut, rarely septate – is a single body with surface grooves. The flesh has a floury texture and whitish colour. When cooked, it becomes crunchy and flavoursome.

(1) OJ L 179, 19.6.2014, p. 17.

When placed on the market, the nuts must be in optimal phytosanitary condition and must comply with the following requirements:

'Extra' class:

- large nuts;
- 50-80 nuts per kilogram;
- maximum 4 % by weight of nuts with endocarp affected by insects;
- maximum 3 % by weight of nuts with damage to the pericarp.

Class I:

- 81-105 nuts per kilogram;
- maximum 6 % by weight of nuts with endocarp affected by insects;
- maximum 5 % by weight of nuts with damage to the pericarp.

Requirements for the product intended exclusively for processing:

- 106-130 nuts per kilogram;
- maximum 6 % by weight of nuts with endocarp affected by insects;
- maximum 5 % by weight of nuts with damage to the pericarp.

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

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

The production steps must take place in the production area referred to under point 4, in order to guarantee the origin and control of the product

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

The *curatura* soaking process which the product undergoes may take place outside the geographical area described under point 4, but, so as not to adversely affect the quality of the product, must be carried out within 24 hours of harvesting.

Alternatively, the product must be kept in a cold store for a maximum of 3 days, at a temperature of between 0,5 °C and 2 °C and a humidity level of between 95 % and 98 %, followed by *curatura*.

Curatura is a process which consists in soaking the chestnuts in water at room temperature for a period of between 5 and 7 days, with the water being changed at the half-way stage. Alternatively, the chestnuts can be soaked in water at a temperature of 45 °C to 48 °C for 45 minutes, after which they are immediately immersed in cold water until they cool down completely. Subsequently, the chestnuts are dried using a hot-air drying machine and fans. Alternatively, they are laid out on wooden lattices and repositioned every day until they have completely dried out.

All the produce is made available for consumption in the following types of packaging: jute bags from 1 kg to 25 kg; plastic nets from 1 kg to 25 kg; and food-grade wooden or plastic baskets or boxes from 1 kg to 25 kg.

Nuts intended exclusively for processing are packed in food-grade produce crates (max. 400 kg).

The contents of each pack must be uniform.

Packages are fastened with metal clips using a mechanical clipper, sewn up with a sewing machine using nylon thread, or tied shut with twine bearing a lead seal. Sealing is carried out in such a way as to fix the label with the logo onto the package. Baskets, boxes and crates are wrapped in cellophane or netting and fastened with twine bearing a lead seal and a clearly visible logo

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

The control body will verify that the product is identified by a label with a logo bearing the words 'Marrone di Combai', which must be significantly larger than any other wording. The label or containers may provide the following information: the name and brand of the producer or the packaging firm; the net weight at origin and the category; nutritional and dietary information; the year of production; instructions on the correct storage and use of the product. The logo is made up of a stylised depiction of a chestnut surrounded by a stylised light brown chestnut husk, framed in a dark brown square (light brown – Pantone 465U, dark brown – Pantone 4625U). The logo may have the following dimensions: 65 mm x 102 mm; 33 mm x 51 mm; 17 mm x 25 mm; 8 mm x 12 mm.



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

The geographical production area for 'Marrone di Combai' is made up of the territory of the following municipalities in Treviso province: Cison di Valmarino, Cordignano, Follina, Fregona, Miane, Revine Lago, Sarmede, Segusino, Tarzo, Valdobbiadene and Vittorio Veneto.

5. **Link with the geographical area**

The area described in point 4 lies entirely on the foothills of the Alps.

The typically mountainous (Alpine foothill) territory on which the 'Marrone di Combai' is produced is formed, from a strictly geological viewpoint, from a complex of calcareous/flint rocks of karst morphology and a complex of hills characterised by deep ravines, steep slopes and widespread processes of soil degradation resulting from the overlaying of hard, resistant rocks. This type of orography is very important in terms of the climate: the distribution of the chain of Alpine foothills and the 'lines of hills' creates a barrier effect against east winds, while giving free run to currents from the north, thereby reducing the temperature range as compared to the plains. The abundant precipitation, which is distributed according to an equinoctial rainfall pattern, and the total absence of fog, which is present in all other localities in the Po/Veneto Valley, help to characterise the environment, making it particularly well suited to the production of 'Marrone di Combai' PGI.

Sensory analyses using panel tests have shown a positive correlation between the characteristics of the flesh, in particular its softness, and the overall enjoyment of the chestnuts. Besides the factors that influence tactile perception, there is a special aroma that is appreciated for the distinctiveness of the spiced, floral and herbaceous sensations present with marked intensity in the product when consumed. The quantitative values expressed by descriptors specifically identified for the sensorial analysis have revealed high intensity levels for aroma, aroma durability, sweetness and, by contrast, very low levels for attributes negatively correlated with the overall enjoyment of the nut, related to astringency and bitterness. The distinctiveness of the aromas of 'Marrone di Combai' is linked to the characteristics of the soils in the area of cultivation and are an expression of the close relationship between plant, soil and cultivation environment.

The request for registration of the 'Marrone di Combai' PGI is based on the distinctive characteristics of the product and also, essentially, on its reputation.

The presence and the particular quality characteristics of chestnuts in the 'Marrone di Combai' area are confirmed by numerous historical references dating back to the 12th century. These demonstrate that, in characterising this product, both environmental factors and human factors are important, since the chestnut has always had a fundamental role in sustaining the inhabitants of these hills. Indeed, among the various historical references, one dated 18 September 1665 emphasises the social and participatory factors linked to the chestnut harvest: the entire population, including women and children, took part in this activity, which was regulated by assigning shares based on family composition.

More recently, the fame and renown of 'Marrone di Combai' has spread from the Veneto to consumers throughout Italy, thanks partly to festivals and country fairs such as the 'Festa dei Marroni di Combai', which, since 1945, has been an important event both locally and nationally.

The distinctive nature of this product is closely linked to the geographical environment in which it is produced. The geological characteristics of the production area, and in particular the presence of calcareous/flint rocks of karst morphology, together with the steep slopes of the hilly territories, prevent the build-up of stagnant water and allow excellent drainage of the cultivation land. This leads to a good level of softness and sweetness in the flesh, as well as intensity of aroma, aroma durability and an absence of astringency and bitterness.

Moreover, the barrier formed by the hills against east winds and the presence of currents from the north, which reduce the annual temperature range as compared to the plains and prevent the formation of fog, have a positive influence on the health and development of the plants, thereby making it possible to obtain a healthy, high-quality product.

Reference to publication of the product specification

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

The Ministry launched the national objection procedure with the publication of the proposed amendment to 'Marrone di Combai' PGI in the Official Gazette of the Italian Republic No 72 of 24 March 2021.

The full text of the product specification is available on the following website:

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

Or alternatively:

by going directly to the home page of the Ministry of Agricultural, Food and Forestry Policy (www.politicheagricole.it) and clicking on 'Qualità' (at the top right of the screen), then on 'Prodotti DOP IGP STG' (on the left-hand side of the screen) and finally on 'Disciplinari di Produzione all'esame dell'UE'.

Publication of the amended single document following the approval of a minor amendment pursuant to the second subparagraph of Article 53(2) of Regulation (EU) No 1151/2012

(2022/C 89/07)

The European Commission has approved this minor amendment in accordance with the third subparagraph of Article 6(2) of Commission Delegated Regulation (EU) No 664/2014 ⁽¹⁾.

The application for approval of this minor amendment can be consulted in the Commission's eAmbrosia database.

SINGLE DOCUMENT

'ROOIBOS / RED BUSH'

EU No: PDO-ZA-2427-AM01 – 3 September 2021

PDO (X) PGI ()

1. Name

'Rooibos' / 'Red Bush'

2. Member state or third country

South Africa

3. Description of the agricultural product or foodstuff

3.1. Type of product

Class 1.8. Other products listed in Annex I to the Treaty (spices etc.)

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

The name of 'Rooibos / Red Bush' can only be used to refer to the dried leaves and stems of 100 % pure 'Rooibos / Red Bush' – derived from *Aspalathus linearis* and that has been cultivated or wild-harvested in the geographic area as described in this application.

'Rooibos / Red Bush' is presented in two forms: a) oxidised and b) green (unoxidised) dried leaves and stems of *Aspalathus linearis*.

- a) In the case of oxidised dried leaves and stems of *Aspalathus linearis*, 'Rooibos / Red Bush' has a distinctive colour that ranges from light brown, yellow to a shiny brick-red colour. It may also have some lighter coloured sticks (dried pieces of stem) mixed with the rest of the product. The moisture level of 'Rooibos / Red Bush' is below 10 %.
- b) Green (unoxidised) 'Rooibos / Red Bush' is the unoxidised dried leaves and stems of the *Aspalathus linearis* plant. Any sign of browning or oxidation is absent from green (unoxidised) 'Rooibos / Red Bush'. Green (unoxidised) 'Rooibos / Red Bush' leaves have a dominant light green colour and it includes reddish brown thin stem and white woody pieces. The moisture level of green (unoxidised) 'Rooibos / Red Bush' is below 10 %.

The flavour and taste of Rooibos / Red Bush is determined by a human sensoric test which is conducted by a trained tester. The flavour and taste of different batches of Rooibos / Red Bush may differ but through the analysis of a large sample set, the following flavours have been proven to be present in Rooibos / Red Bush to differing degrees.

⁽¹⁾ OJL 179, 19.6.2014, p. 17.

Flavour	Sweet	Honey
		Caramel
	Fruity	Citrus
		Berry
		Apricot Jam
	Woody	Bushy/Stemmy
		Smokey/Burnt
Floral	Fynbos	
	Perfume	
Spicy	Cinnamon	
Taste and mouthfeel	Basic tastes	Sweet
		Bitter
		Sour
	Mouthfeel	Soft and smooth
		Astringent

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

The only raw material for 'Rooibos / Red Bush' is the freshly harvested leaves and stems of *Aspalathus linearis*.

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

During the production of 'Rooibos / Red Bush' the following steps must take place in the identified geographical area:

- a) Seeds of the plant *Aspalathus linearis* is gathered by local seed gathers, often from ant heaps. The gatherers then supply the seeds to farmers. This is an age-old tradition still being implemented today and an essential part Rooibos cultivation as it is known today
- b) It is commercially cultivated or grows naturally in the wild.
- c) It is harvested from the cultivated fields (either mechanically or by hand) or from the wild (by hand only).

It is processed and dried at a tea court. The tea court may be on or off-farm, but it must be in the designated area

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

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

'Rooibos / Red Bush' may be blended with teas, infusions and other products, whether or not for human consumption. The labelling of such products must conform with the rules applicable to labelling of products in the territory where the product is marketed.

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

The geographical area of production, drying and oxidation of 'Rooibos / Red Bush' is the following:

- a) In the Western Cape Province the local municipalities of Bergrivier, Breede Valley, Cape Agulhas, Cederberg, City of Cape Town, Drakenstein, Langeberg, Matzikamma, Overstrand, Saldanha Bay, Stellenbosch, Swartland, Swellendam, Theewaterskloof and Witzenberg.
- b) In the Northern Cape Province the local Municipality of Hantam.

5. Link with the geographical area

Geographical area

The taste and specific composition of 'Rooibos / Red Bush' is directly related to the climate where it is grown. Cold wet winters, growth in spring and early summer and then maturity and polyphenol accumulation as the weather gets hotter and drier. It follows that, if *Aspalathus linearis* is grown in any other climate, it will not have the same characteristics as 'Rooibos / Red Bush' due to less polyphenol accumulation. In order to understand this causal relationship, it is important to understand the way in which *Aspalathus linearis* has adapted to the unique climate, soils and geography of this area.

The geographical area in which 'Rooibos / Red Bush' naturally grows is known for its hot, dry summers and cold wet winters. Indeed, on 27 October 2015 a temperature of 48,3 °C was measured in Vredendal; the highest October temperature ever measured on earth. The rainfall in this area ranges between 380 to 635 mm per year and precipitation is predominantly during the winter months with occasional showers in early summer and late autumn. The long, hot summer months are extremely dry. The soils in the area is derived from the Table Mountain Sandstone Complex resulting in nutrient poor, coarse, sandy soils with a pH between 4,5 to 5,5. Table Mountain Sandstone is made up predominantly of quartzitic sandstone laid down between 510 and 400 million years ago. It is the hardest, and most erosion resistant layer of the Cape Supergroup.

'Rooibos / Red Bush' has developed some unique characteristics (i.e. shape and coating of leaves, etc.) to adapt in this harsh climate. In addition to a network of lateral roots just below the soil surface that can utilize even light precipitation, the plant has a long tap root that reaches as deep as two meters and helps the plant find moisture and reach water during the dry summers. The lateral roots enables the plant to enhance phosphorus acquisition from the soil which is among the most phosphorous impoverished in the world.

One of the biggest secrets underlying to the adaption of 'Rooibos / Red Bush' in this harsh climate can be found in its symbiotic relationship with the nitrogen-fixating bacteria on its roots. As a legume, the bacteria on the roots of *Aspalathus linearis* convert nitrogen dioxide to biologically useful ammonia in a process known as nitrogen fixation. The plant absorbs the nitrogen and benefits from it in exchange for providing the bacteria with food. This process is common for legumes, but what is unique in the case of *Aspalathus linearis* is that the indigenous bradyrhizobia are naturally tolerant of acidity and the plant has some ability to modify its rhizosphere pH in order to promote symbiotic establishment and nutrient availability to plants growing in this otherwise infertile acidic soil. It has been reported in the literature that very few symbioses can tolerate such extremities of soil acidity and low nutrient stress whilst fixing high levels of nitrogen as exhibited by *Aspalathus linearis*.

Producers of 'Rooibos / Red Bush' have taken advantage of the hot and dry summers to naturally dry the harvested material. 'Rooibos / Red Bush' is harvested each year during the hot summers and is sun dried just after harvesting. The harsh sun, with the absence of rain, allows for natural drying of 'Rooibos / Red Bush' during which the process of oxidisation can be optimally controlled.

Human intervention

Although the Cape Floral Region (with its distinctive 'Fynbos' vegetation) is the smallest of the six Floral Kingdoms of the world, it is the most diverse and it is one of the most special places in the world for plants in terms of diversity, density and the number of endemic species. However, *Aspalathus linearis* is one of a limited number of plants which has made a successful transition from a wild to a cultivated crop and is one of relatively few economically important fynbos plants to date; the result of human intervention.

Almost 250 years ago Swedish naturalist Carl Thunberg reported that, during his travels in Africa in 1772, he met the local inhabitants and observed that they used 'Rooibos / Red Bush' as a beverage. 'Rooibos / Red Bush' leaves and stems were collected on the mountains and bunched into hessian bags that were carried down the steep slopes on the backs of donkeys. The basic 'Rooibos / Red Bush' processing methods that are still in use today (first cut and bruise the 'Rooibos / Red Bush' leaves and stems, then 'sweat' or cure the tea in heaps and finally then spread it out to dry in the sun) were developed at that time.

Around 1930 a local Clanwilliam doctor and nature lover Le Fras Nortier became interested in 'wild bush tea' and started experimenting with 'Rooibos / Red Bush'. It was difficult to find 'Rooibos / Red Bush' seeds (due to their extremely small size) and Nortier asked the local people, some of them his patients, to search for seeds in the sandy soils and collect some for him. A Khoi woman brought him a matchbox filled with seeds and later Nortier learnt her secret. The woman would follow ants that were dragging 'Rooibos / Red Bush' seeds to their nests. She then broke open the nests to collect seeds, always leaving some for the ants to survive. This way of collecting seeds is still being used by some seeds collectors.

Looking for a way to propagate the seeds, Nortier discovered that the seeds would only germinate if they were cracked open first – imitating the effect of mountain fires. Nortier cultivated the first plants on the Klein Kliphuis farm near Clanwilliam. He learnt that the seeds should be sown in January and that the best time to transplant the tiny seedlings is just after heavy rain when more rain is due. Nortier also inspired and encouraged local farmers to start cultivating 'Rooibos / Red Bush'.

These practices of seed collection and scouring of seeds are still being used today and *Aspalathus linearis* is produced under dry land conditions as the plant is adapted to dry, hot summers. These environmental conditions influence the chemical composition of 'Rooibos / Red Bush', in particular the level and type of polyphenols found in the final product. 'Rooibos / Red Bush' producers have adapted their land management and cultivation practices to the harsh conditions of the region. For instance, fire cannot be used to clear areas for cultivation as it destroys the organic content of the soil. Furthermore, cover crops plays an important role during various stages of the cultivation process and minimum or conservation tillage is a common practice.

Harvesting takes place during the dry summer months of November to May and 20 % of the plant material must be left on the plant. The freshly harvested material must reach the tea court within 72 hours of being harvested and a mechanical cutter is used to reduce the stems and leaves so that they are between 1 – 10 mm in length. In the case of oxidised 'Rooibos / Red Bush' the freshly cut material is then exposed to the sun in row-like heaps on the concrete or rock surface of the tea court. The rows are wetted, the leaves bruised and the rows turned at regular intervals until the right consistency is reached after which it is spread thinly on the tea court to dry. In the case of unoxidised (green) 'Rooibos / Red Bush' the leaves and stems are thinly spread on the tea court straight after it was cut into 1 – 10 mm lengths.

The tea court process is often described as an art form and is one of the most critical parts of the 'Rooibos / Red Bush' production process with specific know-how and expertise required. The tea maker carefully watches the colour, texture and moistness of the tea until the desired soapy feel is attained. A typical method is to take a handful of the wet, bruised tea and squeeze it until the hand forms a fist, and if the moisture level is correct, a tiny trickle of juice runs through the gaps between the base of the fingers.

Expert graders evaluate the quality of 'Rooibos / Red Bush' according to a number of factors, including the colour of the dry and infused leaves, the intensity, colour and clarity of the infusion, as well as the flavour and taste. Trained sensory panels are used to judge taste and flavour. A sensory wheel has been developed and is a valuable tool to facilitate communication among 'Rooibos / Red Bush' producers, processors, grading experts, marketers, flavour houses, importers and consumers. To aid interpretation of the descriptors a preliminary sensory lexicon for some of the descriptors have also been developed.

Specificity of the product

The unique sensory characteristics (or flavour and mouth-feel) of 'Rooibos / Red Bush' has been described above. These descriptors are based on analysis of a large sample set and captures the sensory fingerprint of 'Rooibos / Red Bush'.

These unique sensory characteristics of 'Rooibos / Red Bush' can be ascribed to the complex phenolic chemistry of *Aspalathus linearis*. The flavonoid composition of 'Rooibos / Red Bush' is unique in that it contains aspalathin and aspalalinin, as well as the rare compounds nothofagin and enolicphenylpyruvic acid glucoside. Whereas most of the flavonoids occur ubiquitously in the plant kingdom, until now aspalathin has only been detected in *Aspalathus linearis*, creating its unique sensory characteristics.

It was noted in the previous section that the use of the dried leaves and stems of 'Rooibos / Red Bush' as a tea was first documented almost 250 years ago. Since then its fruity, sweet taste with caffeine free low tannin status has resulted in it being a cultural icon of South Africa. Surveys conducted in 2005 showed that 'Rooibos / Red Bush' tea was one of the ten most frequently consumed foods in an informal settlement in South Africa

Reference to publication of the product specification

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

<https://sarooibos.co.za/wp/wp-content/uploads/2018/07/GI-guidelines-asperMMAapplication-2013.pdf>

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



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

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