Official Journal of the European Union

C 286

English edition

Information and Notices

Volume 65

27 July 2022

Contents

EN

[1] Text with EEA relevance.

IV *Notices*

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

Council

European Commission

NOTICES FROM MEMBER STATES

V *Announcements*

OTHER ACTS

European Commission

I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

EUROPEAN SYSTEMIC RISK BOARD

RECOMMENDATION OF THE EUROPEAN SYSTEMIC RISK BOARD

of 2 June 2022

amending Recommendation ESRB/2015/2 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures

(ESRB/2022/4)

(2022/C 286/01)

THE GENERAL BOARD OF THE EUROPEAN SYSTEMIC RISK BOARD,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Agreement on the European Economic Area ([1]), in particular Annex IX thereof,

Having regard to Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board ([2]), and in particular Articles 3 and 16 to 18 thereof,

Having regard to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC ([3]), and in particular Section II of Chapter 4 of Title VII thereof,

Having regard to Decision ESRB/2011/1 of the European Systemic Risk Board of 20 January 2011 adopting the Rules of Procedure of the European Systemic Risk Board ([4]), and in particular Articles 18 to 20 thereof,

Whereas:

(1) In order to ensure effective and consistent national macroprudential policy measures, it is important to complement the recognition required under Union law with voluntary reciprocity.

(2) The framework on voluntary reciprocity for macroprudential policy measures set out in Recommendation ESRB/2015/2 of the European Systemic Risk Board ([5]) aims to ensure that all exposure-based macroprudential policy measures activated in one Member State are reciprocated in other Member States.

([1]) OJ L 1, 3.1.1994, p. 3.
([2]) OJ L 331, 15.12.2010, p. 1.
([3]) OJ L 176, 27.6.2013, p. 338.
([4]) OJ C 58, 24.2.2011, p. 4.
([5]) Recommendation ESRB/2015/2 of the European Systemic Risk Board of 15 December 2015 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (OJ C 97, 12.3.2016, p. 9).

(3) Recommendation ESRB/2017/4 of the European Systemic Risk Board ([6]) recommends the relevant activating authority to propose a maximum materiality threshold when submitting a request for reciprocation to the European Systemic Risk Board (ESRB), below which an individual financial services provider's exposure to the identified macroprudential risk in the jurisdiction where the macroprudential policy measure is applied by the activating authority can be considered non-material. The ESRB may recommend a different threshold if deemed necessary.

(4) On 10 March 2022 ([7]), the Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin), acting as the German designated authority for the purposes of Article 133(10) of Directive 2013/36/EU, notified the ESRB of its intention to set a systemic risk buffer (SyRB) rate under Article 133(9) of that Directive for all exposures (i.e. retail and non-retail exposures) to natural and legal persons that are secured by residential real estate located in Germany. The SyRB will apply to (i) credit institutions authorised in Germany and using the internal ratings-based (IRB) approach for calculating their risk-weighted exposure amounts, and (ii) credit institutions authorised in Germany and using the standardised approach (SA) for calculating their risk-weighted exposure amounts for exposures fully and completely secured by residential property, as referred to in Article 125(2) of Regulation (EU) No 575/2013 of the European Parliament and of the Council ([8]).

(5) The measure entered into force on 1 April 2022 and must be complied with by credit institutions authorised in Germany from 1 February 2023. The measure will be reviewed at least every second year, in accordance with the legal provisions of Directive 2013/36/EU. Additionally, BaFin will monitor the development of the underlying risk addressed by the SyRB and, if deemed appropriate, adjust the buffer rate.

(6) On 10 March 2022 ([9]), BaFin submitted to the ESRB a request for reciprocation of the SyRB under Article 134(5) of Directive 2013/36/EU.

(7) Following the request submitted by BaFin asking for the reciprocation of the measure by other Member States and in order to prevent the materialisation of negative cross-border effects in the form of leakages and regulatory arbitrage that could result from the implementation of the macroprudential policy measure that will become applicable in Germany, the General Board of the ESRB decided to also include this measure in the list of macroprudential policy measures which are recommended to be reciprocated under Recommendation ESRB/2015/2.

(8) Therefore, Recommendation ESRB/2015/2 should be amended accordingly,

HAS ADOPTED THIS RECOMMENDATION

Amendments

Recommendation ESRB/2015/2 is amended as follows:

(1) in Section 1, sub-recommendation C(1) is replaced by the following:

'1. The relevant authorities are recommended to reciprocate the macroprudential policy measures adopted by other relevant authorities and recommended for reciprocation by the ESRB. It is recommended that the following measures, as further described in the Annex, be reciprocated:

Belgium:

— a 9 % systemic risk buffer rate on all IRB retail exposures to natural persons secured by residential immovable property for which the collateral is located in Belgium;

([6]) Recommendation ESRB/2017/4 of the European Systemic Risk Board of 20 October 2017 amending Recommendation ESRB/2015/2 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (OJ C 431, 15.12.2017, p. 1).

([7]) A first notification was submitted to the ESRB on 24 February 2022. An updated version of the notification was submitted to the ESRB on 10 March 2022.

([8]) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

([9]) A first notification was submitted to the ESRB on 24 February 2022. An updated version of the notification was submitted to the ESRB on 10 March 2022.

Germany:

— a 2 % systemic risk buffer rate on (i) all IRB exposures secured by residential immovable property located in Germany, and (ii) all SA-based exposures fully and completely secured by residential immovable property, as referred to in Article 125(2) of Regulation (EU) No 575/2013 of the European Parliament and of the Council (*), which is located in Germany;

France:

— a tightening of the large exposure limit provided for in Article 395(1) of Regulation (EU) No 575/2013, applicable to exposures to highly-indebted large non-financial corporations having their registered office in France to 5 per cent of Tier 1 capital, applied in accordance with Article 458(2)(d)(ii) of Regulation (EU) No 575/2013 to global systemically important institutions (G-SIIs) and other systemically important institutions (O-SIIs) at the highest level of consolidation of their banking prudential perimeter;

Lithuania

— a 2 % systemic risk buffer rate on all retail exposures to natural persons resident in the Republic of Lithuania that are secured by residential property.

Luxembourg:

— legally binding loan-to-value (LTV) limits for new mortgage loans on residential real estate located in Luxembourg, with different LTV limits applicable to different categories of borrowers:

  (a) LTV limit of 100 % for first-time buyers acquiring their primary residence;

  (b) LTV limit of 90 % for other buyers i.e. non first-time buyers acquiring their primary residence. This limit is implemented in a proportional way via a portfolio allowance. Specifically, lenders may issue 15 % of the portfolio of new mortgages granted to these borrowers with an LTV above 90 % but below the maximum LTV of 100 %;

  (c) LTV limit of 80 % for other mortgage loans (including the buy-to-let segment).

Netherlands:

— a minimum average risk weight applied in accordance with Article 458(2)(d)(vi) of Regulation (EU) No 575/2013 to credit institutions authorised in the Netherlands, using the IRB approach for calculating regulatory capital requirements in relation to their portfolios of exposures to natural persons secured by residential property located in the Netherlands. For each individual exposure item that falls within the scope of the measure, a 12 % risk weight is assigned to the portion of the loan not exceeding 55 % of the market value of the property that serves to secure the loan, and a 45 % risk weight is assigned to the remaining portion of the loan. The minimum average risk weight of the portfolio is the exposure-weighted average of the risk weights of the individual loans.

Norway:

— a 4,5 % systemic risk buffer rate for exposures in Norway, applied in accordance with Article 133 of Directive 2013/36/EU, as applied to and in Norway on 1 January 2020 pursuant to the terms of the Agreement on the European Economic Area (**) (EEA Agreement) (hereinafter the 'CRD as applicable to and in Norway on 1 January 2020'), to all credit institutions authorised in Norway;

— a 20 % average risk weight floor for residential real estate exposures in Norway, applied in accordance with Article 458(2)(d)(vi) of Regulation (EU) No 575/2013, as applied to and in Norway on 1 January 2020 pursuant to the terms of the EEA Agreement (hereinafter the 'CRR as applicable to and in Norway on 1 January 2020'), to credit institutions, authorised in Norway, using the internal ratings-based (IRB) approach for calculating regulatory capital requirements;

— a 35 % average risk weight floor for commercial real estate exposures in Norway, applied in accordance with Article 458(2)(d)(vi) of the CRR as applicable to and in Norway on 1 January 2020 to credit institutions authorised in Norway, using the IRB approach for calculating regulatory capital requirements.

Sweden:

— a credit institution-specific floor of 25 per cent for the exposure-weighted average of the risk weights applied to the portfolio of retail exposures to obligors residing in Sweden secured by immovable property in accordance with Article 458(2)(d)(vi) of Regulation (EU) No 575/2013 to credit institutions authorised in Sweden using the IRB Approach for calculating regulatory capital requirements.

(*) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).
(**) OJ L 1, 3.1.1994, p. 3.'.

(2) The Annex is replaced by the Annex to this Recommendation.

Done at Frankfurt am Main, 2 June 2022.

The Head of the ESRB Secretariat,
on behalf of the General Board of the ESRB
Francesco MAZZAFERRO

ANNEX

The Annex to Recommendation ESRB/2015/2 is replaced by the following:

'ANNEX

Belgium

A 9 % systemic risk buffer rate on all IRB retail exposures secured by residential immovable property for which the collateral is located in Belgium.

I. Description of the measure

1. The Belgian measure, applied in accordance with Article 133 of Directive 2013/36/EU, imposes a 9 % systemic risk buffer rate on IRB retail exposures to natural persons secured by residential immovable property for which the collateral is located in Belgium (both non-defaulted and defaulted exposures).

II. Reciprocation

2. Relevant authorities are recommended to reciprocate the Belgian measure by applying it to IRB retail exposures to natural persons secured by residential immovable property for which the collateral is located in Belgium (as both non-defaulted and defaulted exposures). Alternatively, the measure can be reciprocated using the following scope in COREP reporting: IRB retail exposures secured by residential immovable property vis-à-vis individuals located in Belgium (as both non-defaulted and defaulted exposures).

3. If the same macroprudential policy measure is not available in their jurisdiction, the relevant authorities are recommended to apply, following consultation with the ESRB, a macroprudential policy measure available in their jurisdiction that has the most equivalent effect to the above measure recommended for reciprocation, including adopting supervisory measures and powers laid down in Title VII, Chapter 2, Section IV of Directive 2013/36/EU. Relevant authorities are recommended to adopt the equivalent measure no later than four months following the publication of this Recommendation in the *Official Journal of the European Union*.

III. Materiality threshold

4. The measure is complemented by an institution-specific materiality threshold to steer the potential application of the de minimis principle by the relevant authorities reciprocating the measure. Institutions may be exempted from the systemic risk buffer requirement as long as their relevant sectoral exposures do not exceed EUR 2 billion. Therefore, reciprocation is only requested when the institution-specific threshold is exceeded.

5. In line with Section 2.2.1 of Recommendation ESRB/2015/2, the materiality threshold of EUR 2 billion is a recommended maximum threshold level. Reciprocating relevant authorities may therefore instead of applying the recommended threshold set a lower threshold for their jurisdictions where appropriate or reciprocate the measure without any materiality threshold.

Germany

I. Description of the measure

1. The German measure, applied in accordance with Article 133 of Directive 2013/36/EU, imposes a 2 % systemic risk buffer rate on all exposures (i.e. retail and non-retail exposures) to natural and legal persons that are secured by residential real estate located in Germany. The measure shall apply to (i) credit institutions authorised in Germany and using the IRB approach for calculating their risk-weighted exposure amounts for exposures secured by residential immovable property located in Germany, and (ii) credit institutions authorised in Germany and using the SA for calculating their risk-weighted exposure amounts for exposures fully and completely secured by residential immovable property, as referred to in Article 125(2) of Regulation (EU) No 575/2013, which is located in Germany.

II. Reciprocation

2. Relevant authorities are recommended to reciprocate the German measure by applying it to domestically authorised credit institutions.

3. If the same macroprudential policy measure is not available in their jurisdiction, the relevant authorities are recommended to apply, following consultation with the ESRB, a macroprudential policy measure available in their jurisdiction that has the most equivalent effect to the above measure recommended for reciprocation, including adopting supervisory measures and powers laid down in Title VII, Chapter 2, Section IV of Directive 2013/36/EU.

4. Relevant authorities are recommended to ensure that the reciprocating measure applies and is complied with from 1 February 2023.

III. Materiality threshold

5. The measure is complemented by an institution-specific materiality threshold to steer the potential application of the *de minimis* principle by the relevant authorities reciprocating the measure. Credit institutions may be exempted from the systemic risk buffer requirement if their relevant sectoral exposures do not exceed EUR 10 billion. Therefore, reciprocation is only requested when the institution-specific threshold is exceeded.

6. Relevant authorities should monitor the materiality of exposures. In line with Section 2.2.1 of Recommendation ESRB/2015/2, the materiality threshold of EUR 10 billion is a recommended maximum threshold level. Reciprocating relevant authorities may therefore, instead of applying the recommended threshold, set a lower threshold for their jurisdictions where appropriate, or reciprocate the measure without any materiality threshold.

France

A tightening of the large exposure limit provided for in Article 395(1) of Regulation (EU) No 575/2013, applicable to exposures to highly-indebted large non-financial corporations having their registered office in France to 5 per cent of Tier 1 capital, applied in accordance with Article 458(2)(d)(ii) of Regulation (EU) No 575/2013 to global systemically important institutions (G-SIIs) and other systemically important institutions (O-SIIs) at the highest level of consolidation of their banking prudential perimeter.

I. Description of the measure

1. The French measure, applied in accordance with Article 458(2)(d)(ii) of Regulation (EU) No 575/2013 and imposed on G-SIIs and O-SIIs at the highest level of consolidation of their banking prudential perimeter (not at a sub-consolidated level), consists of a tightening of the large exposure limit to 5 per cent of their Tier 1 capital, applicable to exposures to highly-indebted large non-financial corporations having their registered office in France.

2. A non-financial corporation is defined as a natural or legal person under private law having its registered office in France, and which, at its level and at the highest level of consolidation, belongs to the non-financial corporations sector as defined in point 2.45 of Annex A to Regulation (EU) No 549/2013 of the European Parliament and of the Council (*).

3. The measure applies to exposures to non-financial corporations having their registered office in France and to exposures to groups of connected non-financial corporations as follows:

   (a) For non-financial corporations which are part of a group of connected non-financial corporations having its registered office at the highest level of consolidation in France, the measure applies to the sum of the net exposures towards the group and all its connected entities within the meaning of point (39) of Article 4(1) of Regulation (EU) No 575/2013;

   (b) For non-financial corporations which are part of a group of connected non-financial corporations having its registered office at the highest level of consolidation outside France, the measure applies to the sum of:

      (i) the exposures to those non-financial corporations having their registered office in France;

      (ii) the exposures to the entities in France or abroad over which the non-financial corporations referred to in (i) have direct or indirect control within the meaning of point (39) of Article 4(1) of Regulation (EU) No 575/2013; and

(iii) the exposures to the entities in France or abroad which are economically dependent on the non-financial corporations referred to in (i) within the meaning of point (39) of Article 4(1) of Regulation (EU) No 575/2013.

Non-financial corporations which do not have their registered office in France and which are not a subsidiary or an economically dependent entity of, and which are not directly or indirectly controlled by, a non-financial corporation having its registered office in France, therefore fall outside the scope of the measure.

In accordance with Article 395(1) of Regulation (EU) No 575/2013, the measure is applicable after taking into account the effect of the credit risk mitigation techniques and exemptions in accordance with Articles 399 to 403 of Regulation (EU) No 575/2013.

4. A G-SII or an O-SII must consider a non-financial corporation having its registered office in France as large if its original exposure to the non-financial corporation, or to the group of connected non-financial corporations within the meaning of paragraph 3, is equal to or larger than EUR 300 million. The original exposure value is calculated in accordance with Articles 389 and 390 of Regulation (EU) No 575/2013 before taking into account the effect of credit risk mitigation techniques and exemptions set out in Articles 399 to 403 of Regulation (EU) No 575/2013, as reported in accordance with Article 9 of Commission Implementing Regulation (EU) No 680/2014 (**).

5. A non-financial corporation is considered highly-indebted if it has a leverage ratio that is greater than 100 per cent and a financial charges coverage ratio that is below three, calculated at the highest level of group consolidation as follows:

(a) The leverage ratio is the ratio between total debt net of cash and equity; and

(b) The financial charges coverage ratio is the ratio between, on the one hand, the value added plus operating subsidies less: (i) payroll; (ii) operating taxes and duties; (iii) other net ordinary operating expenses excluding net interest and similar charges; and (iv) depreciation and amortisation, and, on the other hand, interest and similar charges.

The ratios are calculated based on accounting aggregates defined in accordance with the applicable standards, as presented in the non-financial corporation's financial statements, certified where appropriate by a chartered accountant.

II. Reciprocation

6. Relevant authorities are recommended to reciprocate the French measure by applying it to domestically authorised G-SIIs and O-SIIs at the highest level of consolidation within the jurisdiction of their banking prudential perimeter.

7. If the same macroprudential policy measure is not available in their jurisdiction, in line with sub-recommendation C(2), the relevant authorities are recommended to apply, following consultation with the ESRB, a macroprudential policy measure available in their jurisdiction that has the most equivalent effect to the above measure recommended for reciprocation. The relevant authorities are recommended to adopt the equivalent measure by no later than six months following the publication of this Recommendation in the *Official Journal of the European Union*.

III. Materiality threshold

8. The measure is complemented by a combined materiality threshold to steer the potential application of the *de minimis* principle by the relevant authorities reciprocating the measure, which is composed of:

(a) A threshold of EUR 2 billion for the total original exposures of domestically authorised G-SIIs and O-SIIs at the highest level of consolidation of the banking prudential perimeter to the French non-financial corporations sector;

(b) A threshold of EUR 300 million applicable to domestically authorised G-SIIs and O-SIIs equalling or exceeding the threshold mentioned in (a) for:

(i) a single original exposure to a non-financial corporation having its registered office in France;

(ii) the sum of original exposures to a group of connected non-financial corporations, which has its registered office at the highest level of consolidation in France, calculated in accordance with paragraph 3(a);

(iii) the sum of original exposures to non-financial corporations having their registered office in France which are part of a group of connected non-financial corporations having its registered office at the highest level of consolidation outside France as reported in templates C 28.00 and C 29.00 of Annex VIII to Implementing Regulation (EU) No 680/2014;

(c) A threshold of 5 per cent of the G-SII's or O-SII's Tier 1 capital at the highest level of consolidation, for exposures identified in (b) after taking into account the effect of the credit risk mitigation techniques and exemptions in accordance with Articles 399 to 403 of Regulation (EU) No 575/2013.

The thresholds referred to in paragraphs (b) and (c) are to be applied irrespective of whether the relevant entity or non-financial corporation is highly-indebted or not.

The original exposure value referred to in paragraphs (a) and (b) is to be calculated in accordance with Articles 389 and 390 of Regulation (EU) No 575/2013 before taking into account the effect of credit risk mitigation techniques and exemptions set out in Articles 399 to 403 of Regulation (EU) No 575/2013 as reported in accordance with Article 9 of Implementing Regulation (EU) No 680/2014.

9. In line with Section 2.2.1 of Recommendation ESRB/2015/2, the relevant authorities of the Member State concerned may exempt domestically authorised G-SIIs or O-SIIs at the highest level of consolidation of their banking prudential perimeter which do not breach the combined materiality threshold referred to in paragraph 8. When applying the materiality threshold, the relevant authorities should monitor the materiality of the exposures of domestically authorised G-SIIs and O-SIIs to the French non-financial corporations sector as well as the exposure concentration of domestically authorised G-SIIs and O-SIIs to large non-financial corporations having their registered office in France, and are recommended to apply the French measure to previously exempted domestically authorised G-SIIs or O-SIIs at the highest level of consolidation of their banking prudential perimeter when the combined materiality threshold referred to in paragraph 8 is breached. Relevant authorities are also encouraged to signal the systemic risks associated with the increased leverage of large non-financial corporations having their registered office in France to other market participants in their jurisdiction.

10. Where there are no G-SIIs or O-SIIs at the highest level of consolidation of their banking prudential perimeter authorised in the Member States concerned and having exposures to the French non-financial corporations sector above the materiality threshold referred to in paragraph 8, the relevant authorities of the Member States concerned may, pursuant to Section 2.2.1 of Recommendation ESRB/2015/2, decide not to reciprocate the French measure. In this case the relevant authorities should monitor the materiality of the exposures of domestically authorised G-SIIs and O-SIIs to the French non-financial corporations sector as well as the exposure concentration of domestically authorised G-SIIs and O-SIIs to large non-financial corporations having their registered office in France, and are recommended to reciprocate the French measure when a G-SII or O-SII at the highest level of consolidation of its banking prudential perimeter exceeds the combined materiality threshold referred to in paragraph 8. Relevant authorities are also encouraged to signal the systemic risks associated with the increased leverage of large non-financial corporations having their registered office in France to other market participants in their jurisdiction.

11. In line with Section 2.2.1 of Recommendation ESRB/2015/2, the combined materiality threshold referred to in paragraph 8 is a recommended maximum threshold level. Reciprocating relevant authorities may therefore instead of applying the recommended threshold set a lower threshold for their jurisdictions where appropriate, or reciprocate the measure without any materiality threshold.

Lithuania

A 2 % systemic risk buffer rate for all retail exposures to natural persons resident in the Republic of Lithuania that are secured by residential property.

I. Description of the measure

1. The Lithuanian measure, applied in accordance with Article 133 of Directive 2013/36/EU imposes a 2 % systemic risk buffer rate for all retail exposures to natural persons in Lithuania that are secured by residential property.

II. Reciprocation

2. Relevant authorities are recommended to reciprocate the Lithuanian measure by applying it to branches located in Lithuania of domestically authorised banks and direct cross-border exposures to natural persons in Lithuania that are secured by residential property. A significant share of total mortgage positions is held by foreign bank branches operating in Lithuania, therefore, reciprocity of the measure by other Member States would help foster a level playing field and ensure that all significant market participants take into account the increased residential real estate risk in Lithuania and increase their resilience.

3. If the same macroprudential policy measure is not available in their jurisdiction, the relevant authorities are recommended to apply, following consultation with the ESRB, a macroprudential policy measure available in their jurisdiction that has the most equivalent effect to the above measure recommended for reciprocation, including adopting supervisory measures and powers laid down in Title VII, Chapter 2, Section IV of Directive 2013/36/EU. Relevant authorities are recommended to adopt the equivalent measure by no later than four months following the publication of this Recommendation in the *Official Journal of the European Union*.

III. Materiality threshold

4. The measure is complemented by an institution-specific materiality threshold to steer the potential application of the *de minimis* principle by the relevant authorities reciprocating the measure. Institutions may be exempted from the systemic risk buffer requirement if their relevant sectoral exposures do not exceed EUR 50 million, which is approximately 0,5 % of the relevant exposures of the total credit institution sector in Lithuania. Therefore, reciprocation is only requested when the institution-specific threshold is exceeded.

5. Justification for such a threshold:

(a) The minimisation of the potential for regulatory fragmentation is necessary, as the same materiality threshold will also apply to credit institutions authorised in Lithuania;

(b) The application of such a materiality threshold would help to ensure a level playing field in the sense that institutions with exposures of similar size are subject to the systemic risk buffer requirement;

(c) The threshold is relevant for financial stability, as the further development of the residential real estate risk will mainly depend on housing market activity, which partly depends on the amount of new loans issued for house purchase. Therefore, the measure should apply to market participants who are active in this market even though their mortgage loan portfolios are not as large as those of the largest loan providers.

6. In line with Section 2.2.1 of Recommendation ESRB/2015/2, the materiality threshold of EUR 50 million is a recommended maximum threshold level. Reciprocating relevant authorities may therefore, instead of applying the recommended threshold, set a lower threshold for their jurisdictions where appropriate, or reciprocate the measure without any materiality threshold.

Luxembourg

Legally binding loan-to-value (LTV) limits for new mortgage loans on residential real estate located in Luxembourg, with different LTV limits applicable to different categories of borrowers:

(a) LTV limit of 100 % for first-time buyers acquiring their primary residence;

(b) LTV limit of 90 % for other buyers i.e. non first-time buyers acquiring their primary residence. This limit is implemented in a proportional way via a portfolio allowance. Specifically, lenders may issue 15 % of the portfolio of new mortgages granted to these borrowers with an LTV above 90 % but below the maximum LTV of 100 %;

(c) LTV limit of 80 % for other mortgage loans (including the buy-to-let segment).

I. Description of the measure

1. The Luxembourg authorities activated legally binding LTV limits for new mortgage loans on residential immovable property located in Luxembourg. Following the Recommendation of the *Comité du Risque Systémique* (Systemic Risk Committee) (***), the *Commission de Surveillance du Secteur Financier* (Financial Sector Supervisory Commission) (****) acting in concert with the Banque centrale du Luxembourg has activated LTV limits that differ across three categories of borrowers. The LTV limits for each of the three categories are as follows:

   (a) LTV limit of 100 % for first-time buyers acquiring their primary residence;

   (b) LTV limit of 90 % for other buyers i.e. non first-time buyers acquiring their primary residence. This limit is implemented in a proportional way via a portfolio allowance. Specifically, lenders may issue 15 % of the portfolio of new mortgages granted to these borrowers with an LTV above 90 % but below the maximum LTV of 100 %;

   (c) LTV limit of 80 % for other mortgage loans (including the buy-to-let segment).

2. LTV is the ratio between the sum of all loans or tranches of loans backed by the borrower with residential property at the time when the loan is granted and the value of the property at the same time.

3. The LTV limits apply independently from the type of ownership (e.g. full ownership, usufruct, bare ownership).

4. The measure applies to any private borrower taking out a mortgage loan to purchase residential real estate in Luxembourg for non-commercial purposes. The measure also applies if the borrower uses a legal structure like a real estate investment company to complete this transaction, and in the case of joint applications. "Residential real estate" includes construction land, whether the construction work takes place immediately after the purchase or years after. The measure also applies if a loan is granted to a borrower for purchasing a property with a long-term lease agreement. The real estate property may be for owner occupation or buy to let.

II. Reciprocation

5. Member States whose credit institutions, insurance corporations and professionals carrying out lending activities (mortgage lenders) have relevant material Luxembourg credit exposures through direct cross-border credit are recommended to reciprocate the Luxembourg measure in their jurisdiction. If the same measure is not available in their jurisdiction for all relevant cross-border exposures, the relevant authorities should apply available measures that have the most equivalent effect to the activated macroprudential policy measure.

6. Member States should notify the ESRB that they reciprocated the Luxembourg measure or used *de minimis* exemptions in accordance with Recommendation D of Recommendation ESRB/2015/2. The notification should be provided no later than one month after the reciprocating measure has been adopted, using the respective template published on the ESRB's website. The ESRB will publish the notifications on the ESRB's website, thereby communicating the national reciprocation decisions to the public. This publication will include any exemptions made by reciprocating Member States and their commitment to monitor leakages and act if needed.

7. Member States are recommended to reciprocate a measure within three months from the publication of this Recommendation in the *Official Journal of the European Union*.

III. Materiality threshold

8. The measure is complemented by two materiality thresholds to steer the potential application of the *de minimis* principle by the reciprocating Member States: a country-specific materiality threshold and an institution-specific materiality threshold. The country-specific materiality threshold for the total cross-border mortgage lending to Luxembourg is EUR 350 million which corresponds to approximately 1 % of the total domestic residential real estate mortgage market in December 2020. The institution-specific materiality threshold for the total cross-border mortgage lending to Luxembourg is EUR 35 million which corresponds to approximately 0,1 % of the total domestic residential real estate mortgage market in Luxembourg in December 2020. Reciprocation is only requested when both the country-specific threshold and the institution-specific threshold are exceeded.

Netherlands

A minimum average risk weight applied by credit institutions using the IRB approach in relation to their portfolios of exposures to natural persons secured by residential property located in the Netherlands. For each individual exposure item that falls within the scope of the measure, a 12 % risk weight is assigned to a portion of the loan not exceeding 55 % of the market value of the property that serves to secure the loan, and a 45 % risk weight is assigned to the remaining portion of the loan. The minimum average risk weight of the portfolio is the exposure-weighted average of the risk weights of the individual loans.

I. Description of the measure

1. The Dutch measure applied in accordance with Article 458(2)(d)(vi) of Regulation (EU) No 575/2013 imposes a minimum average risk weight for IRB credit institutions' portfolio of exposures to natural persons secured by mortgages on residential property located in the Netherlands. Loans covered by the National Mortgage Guarantee scheme are exempted from the measure.

2. The minimum average risk weight is to be calculated as follows:

   (a) For each individual exposure item that falls within the scope of the measure, a 12 % risk weight is assigned to the portion of the loan not exceeding 55 % of the market value of the property that serves to secure the loan, and a 45 % risk weight is assigned to the remaining portion of the loan. The LTV ratio to be used in this calculation should be determined in accordance with the applicable provisions of Regulation (EU) No 575/2013.

   (b) The minimum average risk weight of the portfolio is the exposure-weighted average of the risk weights of the individual loans, calculated as explained above. Individual loans that are exempt from the measure are disregarded when calculating the minimum average risk weight.

3. This measure does not replace the existing capital requirements set out in and arising from Regulation (EU) No 575/2013. Banks to which the measure applies must calculate the average risk weight of the part of the mortgage portfolio that falls within the scope of this measure on the basis of both the regular applicable provisions contained in Regulation (EU) No 575/2013 and the method as set out in the measure. In calculating their capital requirements, they must subsequently apply the higher of the two average risk weights.

II. Reciprocation

4. Relevant authorities are recommended to reciprocate the Dutch measure by applying it to domestically authorised credit institutions using the IRB approach that have exposures to natural persons secured by residential property located in the Netherlands, as their banking sector may, through their branches, be or become exposed to the systemic risk in the Dutch housing market directly or indirectly.

5. In accordance with sub-recommendation C(2), the relevant authorities are recommended to apply the same measure as the one that has been implemented in the Netherlands by the activating authority within the deadline specified in sub-recommendation C(3).

6. If the same macroprudential policy measure is not available in their jurisdiction, the relevant authorities are recommended to apply, following consultation with the ESRB, a macroprudential policy measure available in their jurisdiction that has the most equivalent effect to the above measure recommended for reciprocation, including adopting supervisory measures and powers laid down in Title VII, Chapter 2, Section IV of Directive 2013/36/EU. Relevant authorities are recommended to adopt the equivalent measure by no later than four months following the publication of this Recommendation in the *Official Journal of the European Union*.

III. Materiality threshold

7. The measure is complemented by an institution-specific materiality threshold to steer the potential application of the *de minimis* principle by the relevant authorities reciprocating the measure. Institutions may be exempted from the minimum average risk weight for the IRB credit institutions' portfolio of exposures to natural persons secured by mortgages on residential property located in the Netherlands if this value does not exceed EUR 5 billion. Loans covered by the National Mortgage Guarantee scheme will not be calculated towards the materiality threshold.

8. In line with Section 2.2.1 of Recommendation ESRB/2015/2, the materiality threshold of EUR 5 billion is a recommended maximum threshold level. Reciprocating relevant authorities may, therefore, instead of applying the recommended threshold set a lower threshold for their jurisdictions where appropriate or reciprocate the measure without any materiality threshold.

Norway

— **a 4,5 % systemic risk buffer rate for exposures in Norway applied in accordance with Article 133 of Directive 2013/36/EU, as applied to and in Norway on 1 January 2020 pursuant to the terms of the Agreement on the European Economic Area (EEA Agreement) (hereinafter the "CRD as applicable to and in Norway on 1 January 2020"), to all credit institutions authorised in Norway;**

— **a 20 % average risk weight floor for residential real estate exposures in Norway, applied in accordance with Article 458(2)(d)(vi) of Regulation (EU) No 575/2013, as applied to and in Norway on 1 January 2020 pursuant to the terms of the EEA Agreement (hereinafter the "CRR as applicable to and in Norway on 1 January 2020") to credit institutions, authorised in Norway, using the internal ratings-based (IRB) approach for calculating regulatory capital requirements;**

— **a 35 % average risk weight floor for commercial real estate exposures in Norway, applied in accordance with Article 458(2)(d)(vi) of the CRR as applicable to and in Norway on 1 January 2020 to credit institutions, authorised in Norway, using the IRB approach for calculating regulatory capital requirements.**

I. Description of the measures

1. Since 31 December 2020, Finansdepartementet (the Norwegian Ministry of Finance) introduced three measures, namely (i) a systemic risk buffer requirement for exposures in Norway, pursuant to Article 133 of the CRD as applicable to and in Norway on 1 January 2020; (ii) an average risk weight floor for residential real estate exposures in Norway, pursuant to Article 458(2)(d)(vi) of the CRR as applicable to and in Norway on 1 January 2020; and (iii) an average risk weight floor for commercial real estate exposures in Norway, pursuant to Article 458(2)(d)(vi) of the CRR as applicable to and in Norway on 1 January 2020.

2. The systemic risk buffer rate is set at 4,5 % and applies to the domestic exposures of all credit institutions authorised in Norway. However, for credit institutions that do not use the advanced IRB approach, the systemic risk buffer rate applicable to all exposures is set at 3 % until 31 December 2022; thereafter, the systemic risk buffer rate applicable to domestic exposures is set at 4,5 %.

3. The residential real estate risk weight floor measure is an institution-specific average risk weights floor for residential real estate exposures in Norway, applicable to credit institutions using the IRB approach. The real estate risk weight floor concerns the exposure-weighted average risk weight in the residential real estate portfolio. Norwegian residential real estate exposures should be understood as retail exposures collateralised by immovable property in Norway.

4. The commercial real estate risk weight floor measure is an institution-specific average risk weights floor for commercial real estate exposures in Norway, applicable to credit institutions using the IRB approach. The real estate risk weight floor concerns the exposure-weighted average risk weight in the commercial real estate portfolio. Norwegian commercial real estate exposures should be understood as corporate exposures collateralised by immovable property in Norway.

II. Reciprocation

5. Relevant authorities are recommended to reciprocate the Norwegian measures for exposures located in Norway in accordance with Article 134(1) of Directive 2013/36/EU and with Article 458(5) of Regulation (EU) No 575/2013, respectively. Relevant authorities are recommended to reciprocate the systemic risk buffer rate within 18 months following the publication of this Recommendation, as amended by Recommendation ESRB/2021/3 of the European Systemic Risk Board (*****) in the *Official Journal of the European Union*, except as otherwise provided for under paragraph 7 below. The average risk weight floors for residential and commercial real estate exposures in Norway should be reciprocated within the standard three months transition period provided for by Recommendation ESRB/2015/2.

6. If the same macroprudential policy measures are not available in their jurisdiction, in line with sub-recommendation C(2), the relevant authorities are recommended to apply, following consultation with the ESRB, macroprudential policy measures available in their jurisdiction that have the most equivalent effect to the above measures recommended for reciprocation. The relevant authorities are recommended to adopt the equivalent measures for the reciprocation of average risk weight floors for residential and commercial real estate exposures within 12 months and for the reciprocation of the systemic risk buffer rate within 18 months, respectively, following the publication of this Recommendation in the *Official Journal of the European Union*, except as otherwise provided for under paragraph 7 below for the systemic risk buffer.

7. Until Directive (EU) 2019/878 becomes applicable to and in Norway in accordance with the terms of the EEA Agreement, relevant authorities may reciprocate the Norwegian systemic risk buffer measure in a way and at a level that takes account of any overlap or difference in the capital requirements applicable in their Member State and Norway, provided that they adhere to following principles:

   (a) coverage of risk: relevant authorities should ensure that the systemic risk that the Norwegian measure seeks to mitigate is addressed in an adequate way;

   (b) avoidance of regulatory arbitrage and ensuring a level playing field: relevant authorities should minimise the possibility for leakages and regulatory arbitrage and promptly close any regulatory loophole if needed; relevant authorities should ensure a level playing field between credit institutions.

   This paragraph does not apply to the average risk weight floor measures for residential and commercial real estate exposures.

III. Materiality threshold

8. The measures are complemented by institution-specific materiality thresholds based on exposures located in Norway to steer the potential application of the *de minimis* principle by the relevant authorities reciprocating the measure as follows:

   (a) for the systemic risk buffer rate, the materiality threshold is set at a risk-weighted exposure amount of NOK 32 billion, which corresponds to about 1 % of credit institutions' total risk-weighted exposures amount in Norway;

   (b) for the residential real estate risk weight floor, the materiality threshold is set at a gross lending of NOK 32,3 billion, corresponding to about 1 % of gross collateralised residential real estate lending to Norwegian customers;

   (c) for the commercial real estate risk weight floor, the materiality threshold is set at a gross lending of NOK 7,6 billion, corresponding to about 1 % of gross collateralised commercial real estate lending to Norwegian customers.

9. In line with Section 2.2.1 of Recommendation ESRB/2015/2, relevant authorities of the Member State concerned may exempt individual domestically authorised credit institutions having non-material exposures in Norway. Exposures are deemed non-material if they are below the institution-specific materiality thresholds set under paragraph 8 above. When applying the materiality thresholds, the relevant authorities should monitor the materiality of exposures and are recommended to apply the Norwegian measures to previously exempted individual domestically authorised credit institutions when the materiality thresholds set under paragraph 8 above are exceeded.

10. In line with Section 2.2.1 of Recommendation ESRB/2015/2, the materiality thresholds set under paragraph 8 above are recommended maximum threshold levels. Reciprocating relevant authorities may therefore, instead of applying the recommended thresholds, set lower thresholds for their jurisdictions where appropriate, or reciprocate the measures without any materiality threshold.

11. Where there are no credit institutions authorised in the Member States having material exposures in Norway, relevant authorities of the Member States concerned may, pursuant to Section 2.2.1 of Recommendation ESRB/2015/2, decide not to reciprocate the Norwegian measures. In this case, the relevant authorities should monitor the materiality of the exposures and are recommended to reciprocate the Norwegian measures when a credit institution exceeds the respective materiality thresholds.

Sweden

A credit institution-specific floor of 25 per cent for the exposure-weighted average of the risk weights applied to the portfolio of retail exposures to obligors residing in Sweden secured by immovable property in accordance with Article 458(2)(d)(vi) of Regulation (EU) No 575/2013 to credit institutions authorised in Sweden, using the IRB Approach for calculating regulatory capital requirements.

I. Description of the measure

1. The Swedish measure, applied in accordance with Article 458(2)(d)(vi) of Regulation (EU) No 575/2013 and imposed on credit institutions authorised in Sweden using the IRB Approach, consists of a credit institution-specific floor of 25 per cent for exposure-weighted average of the risk weights applied to the portfolio of retail exposures to obligors residing in Sweden secured by immovable property.

2. The exposure-weighted average is the average of the risk weights of the individual exposures calculated in accordance with Article 154 of Regulation (EU) No 575/2013, weighted by the relevant exposure value.

II. Reciprocation

3. In accordance with Article 458(5) of Regulation (EU) No 575/2013, relevant authorities of the Member States concerned are recommended to reciprocate the Swedish measure by applying it to branches located in Sweden of domestically authorised credit institutions using the IRB Approach within the deadline specified in sub-recommendation C(3).

4. Relevant authorities are recommended to reciprocate the Swedish measure by applying it to domestically authorised credit institutions using the IRB Approach that have direct retail exposures to obligors residing in Sweden secured by immovable property. In accordance with sub-recommendation C(2), the relevant authorities are recommended to apply the same measure as the one that has been implemented in Sweden by the activating authority within the deadline specified in sub-recommendation C(3).

5. If the same macroprudential policy measure is not available in their jurisdiction, the relevant authorities are recommended to apply, following consultation with the ESRB, a macroprudential policy measure available in their jurisdiction that has the most equivalent effect to the above measure recommended for reciprocation. Relevant authorities are recommended to adopt the equivalent measure by no later than four months following the publication of this Recommendation in the *Official Journal of the European Union*.

III. Materiality threshold

6. The measure is complemented by an institution-specific materiality threshold of SEK 5 billion to steer the potential application of the *de minimis* principle by the relevant authorities reciprocating the measure.

7. In line with Section 2.2.1 of Recommendation ESRB/2015/2, relevant authorities of the Member State concerned may exempt individual domestically authorised credit institutions using the IRB Approach having non-material retail exposures to obligors residing in Sweden secured by immovable property which are below the materiality threshold of SEK 5 billion. When applying the materiality threshold, the relevant authorities should monitor the materiality of exposures and are recommended to apply the Swedish measure to previously exempted individual domestically authorised credit institutions when the materiality threshold of SEK 5 billion is exceeded.

8. Where there are no credit institutions authorised in the Member States concerned with branches located in Sweden or which have direct retail exposures to obligors residing in Sweden, secured by immovable property, which use the IRB Approach and which have retail exposures of SEK 5 billion or above to obligors residing in Sweden, secured by immovable property, relevant authorities of the Member States concerned may, pursuant to Section 2.2.1 of Recommendation ESRB/2015/2, decide not to reciprocate the Swedish measure. In this case the relevant authorities should monitor the materiality of the exposures and are recommended to reciprocate the Swedish measure when a credit institution using the IRB Approach exceeds the threshold of SEK 5 billion.

9. In line with Section 2.2.1 of Recommendation ESRB/2015/2, the materiality threshold of SEK 5 billion is a recommended maximum threshold level. Reciprocating relevant authorities may therefore, instead of applying the recommended threshold, set a lower threshold for their jurisdictions where appropriate, or reciprocate the measure without any materiality threshold.

_____

(*) Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).

(**) Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 191, 28.6.2014, p. 1).

(***) Recommandation du comité du risque systémique du 9 novembre 2020 relative aux crédits portant sur des biens immobiliers à usage résidentiel situés sur le territoire du Luxembourg (CRS/2020/005).

(****) CSSF Régulation N.20-08 du 3 décembre 2020 fixant des conditions pour l'octroi de crédits relatifs à des biens immobiliers à usage résidentiel situés sur le territoire du Luxembourg.

(*****) Recommendation ESRB/2021/3 of the European Systemic Risk Board of 30 April 2021 amending Recommendation ESRB/2015/2 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (OJ C 222, 11.6.2021, p. 1).'

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration

(Case M.10809 – CD&R / TPG / COVETRUS)

(Text with EEA relevance)

(2022/C 286/02)

On 20 July 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 32022M10809. EUR-Lex is the online point of access to European Union law.

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

III

(Preparatory acts)

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 1 June 2022

on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 600/2014 as regards enhancing market data transparency, removing obstacles to the emergence of a consolidated tape, optimising trading obligations and prohibiting receiving payments for forwarding client orders

(CON/2022/19)

(2022/C 286/03)

Introduction and legal basis

On 3 February and 4 February 2022 the European Central Bank (ECB) received requests from the European Parliament and the Council of the European Union for an opinion on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 600/2014 as regards enhancing market data transparency, removing obstacles to the emergence of a consolidated tape, optimising trading obligations and prohibiting receiving payments for forwarding client orders ([1]) (hereinafter the 'proposed regulation') and on the Proposal for a Directive of the European Parliament and of the Council amending Directive 2014/65/EU on markets in financial instruments ([2]) (hereinafter the 'proposed directive').

The ECB's competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union since the proposed regulation and the proposed directive contain provisions affecting (a) the basic task of the European System of Central Banks (ESCB) to define and implement the monetary policy of the Union pursuant to Article 127(2) of the Treaty, and (b) the ESCB's task to contribute to the smooth conduct of policies pursued by the competent authorities relating to the stability of the financial system as referred to in Article 127(5) of the Treaty. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

General observations

1. Objectives of the proposed regulation

1.1. The ECB welcomes the main objective of the proposed regulation to amend Regulation (EU) No 600/2014 of the European Parliament and of the Council ([3]) (hereinafter 'MiFIR') in order to enhance market data transparency across European Union (EU) trading venues by creating a new regulatory framework for the production of a 'consolidated tape' for trade data, including a new process for selecting a single consolidated tape provider for each asset class.

([1]) COM (2021) 727 final.
([2]) COM (2021) 726 final.
([3]) Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173 12.6.2014, p. 84).

1.2. The proposed regulation also includes significant changes to the EU pre- and post-trade transparency rules for equity and non-equity financial instruments, such as greater harmonisation of rules for deferring publication of transaction details, updates to the obligations regarding EU share and derivative trading, a ban on payments for order flow and other changes to the EU regime for securities and derivatives trading. The proposed amendments aim to further support the integration of European capital markets and to further harmonise relevant financial market supervisory rules across the Union. The ECB strongly supports the general aim of further supporting capital markets integration, in particular through the proposed enhancements to market data transparency. Deeper and more integrated capital markets are needed from several perspectives. Not only can they mobilise the resources needed to support the euro area economy, but they will also make the financial system generally more resilient. Moreover, the integration of European capital markets can be expected to improve the transmission of the single monetary policy to all parts of the euro area, and to facilitate market participants' access to green finance and to funding for the transition towards a digital economy. To that end, the ECB reiterates the importance of promptly adopting the further initiatives under the European Commission's 2020 Capital Markets Union (CMU) action plan as well as fully implementing them, where that is legally required, at the national level.

1.3. Enhancing the transparency of market data will contribute to the development of EU capital markets, with the wider availability of price and liquidity information to investors and issuers creating more investment and funding opportunities and reducing the cost of raising capital for issuers. At the same time it is recalled that higher levels of transparency may enable certain traders in certain circumstances to take greater advantage of information on existing orders in the market through their ability to trade faster on that information using the latest technology.

1.4. The ECB is specifically interested in these legislative proposals in view of the ESCB's participation in the non-equity (bond, including sovereign bond) markets in the performance of the ESCB's monetary policy and other Treaty-mandated tasks, and in view of the need to safeguard the confidentiality of such sensitive transactions. Therefore, the ECB would additionally like to comment on other provisions of MiFIR ([4]) which, although not the subject of the proposed regulation, affect ESCB central banks and their market transactions in financial instruments (see paragraph 7).

2. **Objectives of the proposed directive**

As the proposed directive sets out only limited amendments to Directive 2014/65/EU of the European Parliament and of the Council ([5]) (hereinafter 'MiFID II') that largely flow from the proposed changes to MiFIR, the ECB does not see a need to opine on that proposal.

Specific observations

3. **Consolidated Tape**

3.1. The ECB welcomes the introduction of the proposed enhanced regime for the 'consolidated tape' (CT) and the competitive bid process for the selection of a consolidated tape provider (CTP) for each asset class. As previously noted by the ECB, proper transparency can only be appropriately ensured with the establishment of one single CTP ([6]) for each relevant asset class. The CT has several benefits for investors, and these support the CMU objectives of making capital market financing more accessible to investors and reducing fragmentation of the EU capital

([4]) See Article 1(6), (7) and (9) and Article 26(5) of MiFIR.

([5]) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173 12.6.2014, p. 349).

([6]) See paragraph 5.2 of Opinion CON/2012/21 of the European Central Bank of 22 March 2012 on: (i) a proposal for a directive on markets in financial instruments repealing Directive 2004/39/EC of the European Parliament and of the Council; (ii) a proposal for a regulation on markets in financial instruments and amending Regulation (EMIR) on OTC derivatives, central counterparties and trade repositories; (iii) a proposal for a directive on criminal sanctions for insider dealing and market manipulation; and (iv) a proposal for a regulation on insider dealing and market manipulation (market abuse) (OJ C 161, 7.6.2012, p. 3). All ECB opinions are available on EUR-Lex.

markets. It should help increase transparency and investors' access to market data, thus reducing liquidity and trade execution risks, and market fragmentation. It may also substantially reduce transaction costs for investors. Enabling investors to have a real-time overview of trading activity at a reasonable cost should increase the use of the EU capital markets by corporate and retail investors for financing and investment.

3.2. The proposed enhanced regime is technically and operationally complex and includes a revenue remuneration scheme. In order to guide the balance between quality and the level of its investment in producing the consolidated data-set for the given asset class, it is therefore crucial that the CTP can rely on the quality, completeness and prompt delivery of the data provided to it by market data contributors (investment firms, trading venues, approved publication arrangements and systematic internalisers). In this regard the ECB understands that under the proposal the CTP will only be responsible for consolidating the core market data and disseminating it commercially to the market and that the quality of the contributed data, which remains wholly the responsibility of the market data contributors, will be regulated by the Commission on the basis of a delegated act, based on the advice of an expert stakeholder group and of the European Securities and Markets Authority (ESMA).

3.3. Should the CTP concession need to be terminated by ESMA for any reason, to make the option of re-tendering the contract credible, the technical standards to be developed by ESMA could require the CTP to make its technical connection parameters for market data contributors and its data dictionaries public so that they are available to other entities wishing to compete for the contract.

3.4. The ECB understands that the proposals on the CT do not affect the confidentiality of ESCB 'monetary, foreign exchange or financial stability policy' transactions, which continue to be exempt from disclosure under Article 1(6) of MiFIR. Accordingly the 'market data' to be specified by the Commission pursuant to the proposed Article 22b(2) and the 'core market data' that CTPs would sell to users would not include data from ESCB policy transactions (such as on price, volume and time of conclusion).

4. **Pre-trade transparency regime for equities: 'dark trading'**

The ECB welcomes the proposed regulation's streamlining of the pre-trade transparency regime for equities, by replacing the double volume cap with a single volume cap set at 7 % of the total volume of trades that are executed in the relevant financial instrument in the Union under the reference price waiver or the negotiated trade waiver ([7]). This simplifies the transparency regime and makes the monitoring of the levels of dark trading less complex. The proposed lower EU-wide volume cap intends to compensate for the abolition of the venue specific threshold, so the overall proposal aims to increase the level of pre-trade transparency in equities. At the same time, it is noted that the interaction between the abolition of the venue specific volume cap and the lowering of the EU-wide cap is complex, as these proposed changes are expected to have diverging effects on transparency. The ECB suggests therefore that the pre-trade transparency regime for equities, in particular the calibration of the volume cap, should be kept under review.

5. **Prohibition of payment for order flow**

The Commission proposal ([8]) includes a further restriction of payment for order flow (PFOF). The ECB considers that PFOF can impede market efficiency and the transparency of European capital markets.

6. **Ending open access for exchange-traded derivatives**

While in principle supportive of measures that strengthen EU clearing markets, it is important to consider the possible implications that the removal of the open access provision could have for competition, innovation and market integration, and to carefully balance potentially competing objectives.

([7]) Article 1(4) of the proposed regulation amending Article 5 of MiFIR.
([8]) Article 1(26) of the proposed regulation inserting a new Article 39a.

7. **Other MiFIR provisions and their impact on ECB/ESCB market transactions**

The MiFIR provisions which mainly affect ECB/ESCB market transactions are not the subject of the proposed regulation. The ECB takes this opportunity, however, to propose that the formulation of certain MiFIR provisions could be further improved in the light of the ECB/ESCB's experience with conducting market operations on EU trading venues.

7.1. *Exemption from MiFIR transparency requirements for ESCB transactions carried out pursuant to the Statute of the ESCB*

The ECB considers that the current formulation of the exemption of ESCB policy transactions from the pre- and post-trade transparency requirements ([9]) pursuant to Article 1(6) of MiFIR should be amended, so that instead of the exemption being stated to apply to ESCB central banks' transactions 'in performance of monetary, foreign exchange and financial stability policy', which would then need to be further defined in Commission Delegated Regulation (EU) 2017/583 ([10]), the exemption would be broadened so that it would apply expressly to all of the activities carried out by Eurosystem central banks pursuant to Chapter IV of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'). The ECB considers that only the types of investment transactions entered into by ESCB central banks that are set out in Article 15, points (a) and (c), of Delegated Regulation (EU) 2017/583 must be disclosed by the counterparty of the ESCB central bank. Those types of transactions should be expressly laid out in the revised Article 1(7) of MiFIR, instead of, as currently, in Delegated Regulation (EU) 2017/583.

7.2. *Commission empowerment to extend the exemption from MiFIR transparency requirements to other central banks*

If all Eurosystem transactions pursuant to Chapter IV of the Statute of the ESCB would benefit from the above broadened exemption pursuant to Article 1(6) of MiFIR, irrespective of which other central banks or institutions use these services, the Commission's power under Article 1(9) of MiFIR to extend the scope of the exemption 'to other central banks' would become redundant. Moreover, there would no longer be any need to mandate ESMA to develop draft regulatory technical standards to specify the 'monetary, foreign exchange and financial stability policy operations'. Accordingly Article 1(8) and (9) of MiFIR could be deleted.

7.3. *Exemption of transactions by ESCB central banks from operators of trading venues' reporting requirements under Article 26(5) of MiFIR*

Article 26(5) of MiFIR requires operators of trading venues to report to their competent authority any transactions in financial instruments traded on their platforms and executed through their systems by certain firms. The current reporting mechanism for trading venues under this provision is well established, with operational arrangements in place for the smooth reporting of data from such *transactions*. Trading venues have records for reporting purposes of the detailed data of ESCB transactions executed through the trading venue's systems. In this regard the ECB understands that Union legislators did not intend that the reporting requirement under Article 26(5) of MiFIR should cover ESCB central banks' transactions. This understanding is based on the fact that central banks benefit from explicit exemptions from MiFIR reporting obligations and, in addition, are not 'firms', but rather entities carrying out market operations on the basis of their public mandates, including under the Treaty. For the sake of legal certainty, Article 26 (5) should be further clarified in this respect.

([9]) Articles 8, 10, 18 and 21 of MiFIR.

([10]) Commission Delegated Regulation (EU) 2017/583 of 14 July 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on transparency requirements for trading venues and investment firms in respect of bonds, structured finance products, emission allowances and derivatives (OJ L 87, 31.3.2017, p. 229).

7.4. *Maintaining full exemption of ESCB securities financing transactions from the supervisory reporting obligation*

The ECB notes that while ESCB securities financing transactions (SFTs) are fully exempted from Regulation (EU) 2015/2365 of the European Parliament and of the Council ([11]) and its disclosure and reporting obligations ([12]), Commission Delegated Regulation (EU) 2017/590 ([13]) provides that SFTs ([14]) to which an ESCB central bank is a counterparty are to be considered transactions for the purposes of Article 26 of MiFIR ([15]). As a consequence, those transactions are subject to the reporting obligations of Article 26 of MiFIR. Delegated Regulation (EU) 2017/590 thereby impacts reporting obligations in respect of such transactions by ESCB central banks under MiFIR. This effective subordination of Level 1 Union legislation to Level 2 Union legislation contradicts the well-established legal principle of *lex superior derogat legi inferiori* ([16]), whereby implementing and delegated Union acts may not contravene secondary Union legislation. The ECB takes the opportunity of this opinion to highlight that this contradiction should be corrected in Delegated Regulation (EU) 2017/590, although it is not in itself a subject of the proposals on which the ECB has been consulted.

Where the ECB recommends that the proposed regulation is amended, specific drafting proposals are set out in a separate technical working document accompanied by an explanatory text to this effect. The technical working document is available in English on EUR-Lex.

Done at Frankfurt am Main, 1 June 2022.

The President of the ECB
Christine LAGARDE

([11]) Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1).
([12]) Article 2(2), point (a), and Article 2(3) of Regulation (EU) 2015/2365.
([13]) Commission Delegated Regulation (EU) 2017/590 of 28 July 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the reporting of transactions to competent authorities (OJ L 87, 31.3.2017, p. 449).
([14]) As defined in Article 3(11) of Regulation (EU) 2015/2365.
([15]) See Article 2(5), second subparagraph, of Commission Delegated Regulation (EU) 2017/590.
([16]) The legal principle that a legal act which is higher in the hierarchy of legal norms overrides a legal act which is lower in that hierarchy.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Notice for the attention of persons and entities subject to the restrictive measures provided for in Council Decision (CFSP) 2015/1333, as implemented by Council Implementing Decision (CFSP) 2022/1315, and in Council Regulation (EU) 2016/44, as implemented by Council Implementing Regulation (EU) 2022/1308, concerning restrictive measures in view of the situation in Libya

(2022/C 286/04)

The following information is brought to the attention of the persons and entities designated in Annexes II and IV to Council Decision (CFSP) 2015/1333 ([1]), as implemented by Council Implementing Decision (CFSP) 2022/1315 ([2]), and in Annex III to Council Regulation (EU) 2016/44 ([3]), as implemented by Council Implementing Regulation (EU) 2022/1308 ([4]), concerning restrictive measures in view of the situation in Libya.

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 on the websites in Annex IV to Regulation (EU) 2016/44, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 8 of the Regulation).

The persons and entities concerned may submit a request to the Council before 15 May 2023, together with supporting documentation, that the decision to include them on the above-mentioned list should be reconsidered. Any such request should be sent to the following address:

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

Email: sanctions@consilium.europa.eu

Any observations received will be taken into account for the purpose of the Council's periodic review, in accordance with Article 17(2) of Decision (CFSP) 2015/1333 and Article 21(6) of Regulation (EU) No 2016/44, of the list of designated persons and entities.

([1]) OJ L 206, 1.8.2015, p. 34.
([2]) OJ L 198, 27.7.2022, p. 19.
([3]) OJ L 12, 19.1.2016, p. 1.
([4]) OJ L 198, 27.7.2022, p. 1.

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, second paragraph, and Article 263, fourth and sixth paragraphs, of the Treaty on the Functioning of the European Union.

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) 2016/44 concerning restrictive measures in view of the situation in Libya apply

(2022/C 286/05)

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 implemented by Council Implementing Decision (CFSP) 2022/1315 ([3]), and Council Regulation (EU) 2016/44 ([4]), as implemented by Council Implementing Regulation (EU) 2022/1308 ([5]).

The controller of this processing operation is the RELEX.1 service of the Directorate-General for External Relations (RELEX) of the General Secretariat of the Council (GSC), which can be contacted at:

Council of the European Union
General Secretariat
RELEX.1
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 implemented by Implementing Decision (CFSP) 2022/1315, and Regulation (EU) 2016/44, as implemented by Implementing Regulation (EU) 2022/1308.

The data subjects are the natural persons who fulfil the listing criteria as laid down in Decision (CFSP) 2015/1333 and Regulation (EU) 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.

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 206, 1.8.2015, p. 34.
([3]) OJ L 198, 27.7.2022, p. 19.
([4]) OJ L 12, 19.1.2016, p. 1.
([5]) OJ L 198, 27.7.2022, p. 1.

Notice for the attention of certain persons subject to the restrictive measures provided for in the Annex to Council Decision (CFSP) 2018/1544 and in Annex I to Council Regulation (EU) 2018/1542, concerning restrictive measures against the proliferation and use of chemical weapons

(2022/C 286/06)

The following information is brought to the attention of Mr. Sergei Ivanovich MENYAILO (No 12), person appearing in the Annex to Council Decision (CFSP) 2018/1544 ([1]) and in Annex I to Council Regulation (EU) 2018/1542 ([2]) concerning restrictive measures against the proliferation and use of chemical weapons.

The Council intends to maintain the restrictive measures against the above-mentioned person with an amended statement of reasons. This person is, hereby informed that he may submit a request to the Council to obtain the intended statement of reasons for maintaining his designation, by 3 August 2022, to the following address:

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

Email: sanctions@consilium.europa.eu

The person concerned may submit at any time a request to the Council, together with any supporting documentation, that the decision to include and maintain him 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 person concerned is drawn to the regular review by the Council according to Article 8 of Decision (CFSP) 2018/1544.

([1]) OJ L 259, 16.10.2018, p. 25.
([2]) OJ L 259, 16.10.2018, p. 12.

EUROPEAN COMMISSION

Euro exchange rates [1]

26 July 2022

(2022/C 286/07)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,0124	CAD	Canadian dollar	1,3035
JPY	Japanese yen	138,35	HKD	Hong Kong dollar	7,9466
DKK	Danish krone	7,4449	NZD	New Zealand dollar	1,6235
GBP	Pound sterling	0,84558	SGD	Singapore dollar	1,4066
SEK	Swedish krona	10,4445	KRW	South Korean won	1 326,65
CHF	Swiss franc	0,9765	ZAR	South African rand	17,0870
ISK	Iceland króna	139,10	CNY	Chinese yuan renminbi	6,8451
NOK	Norwegian krone	10,0105	HRK	Croatian kuna	7,5145
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 185,27
CZK	Czech koruna	24,607	MYR	Malaysian ringgit	4,5113
HUF	Hungarian forint	400,99	PHP	Philippine peso	56,160
PLN	Polish zloty	4,7420	RUB	Russian rouble	
RON	Romanian leu	4,9324	THB	Thai baht	37,180
TRY	Turkish lira	18,0705	BRL	Brazilian real	5,4437
AUD	Australian dollar	1,4605	MXN	Mexican peso	20,7845
			INR	Indian rupee	80,8050

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

Opinion of the Advisory Committee on restrictive agreements and dominant positions at its meeting on 21 January 2022 concerning a draft decision in case AT.39839 – Telefónica and Portugal Telecom

Rapporteur: Belgium

(2022/C 286/08)

1. The Advisory Committee (14 Member States) agrees with the Commission to re-impose fines on Telefónica, S.A. and Pharol, SGPS, S.A. by means of a decision pursuant to Article 7(1) of Regulation (EC) No 1/2003.

2. The Advisory Committee (14 Member States) agrees with the Commission on the identity of the services excluded from the value of sales on the basis that insurmountable barriers to entry existed and the parties were thus not in potential competition with each other during the period of application of the non-compete clause.

3. The Advisory Committee (14 Member States) agrees with the Commission's use of the revised corrected figures for Telefonica for the purposes of identifying the value of sales.

4. The Advisory Committee (14 Member States) agrees with the Commission on the final amounts of the fines imposed on Telefónica, S.A. and Pharol, SGPS, S.A., including the reduction based on paragraph 37 of the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003.

5. The Advisory Committee (14 Member States) recommends the publication of its Opinion in the *Official Journal of the European Union*.

Final Report of the Hearing Officer [1]

Case AT.39839 – Telefónica and Portugal Telecom (amendment)

(2022/C 286/09)

The draft decision, addressed to (a) Telefónica, S.A ('Telefónica') and (b) Pharol SGPS SA ('Pharol') [2], is the second decision in the present proceedings. The first decision was adopted in this case in 2013 ('the 2013 Decision') and was partly annulled by the General Court in 2016 [3]. The Court of Justice confirmed the General Court judgment in 2017 [4].

While the General Court confirmed the Commission's finding of an infringement of Article 101 TFEU in the 2013 Decision, it annulled Article 2 of the 2013 Decision. According to the General Court, in the 2013 Decision, the Commission ought to have determined the value of sales directly or indirectly related to the infringement, on the basis of the material put forward by Telefónica and Pharol concerning the absence of potential competition between them with respect to certain services.

PROCEDURE

Following the General Court judgments and Court of Justice judgment, the Commission sent a number of information requests to Telefónica and Pharol with the aim of further establishing the value of sales directly or indirectly related to the infringement in light of the findings of the General Court.

On 23 July 2019 and on 5 November 2019, the Commission sent a letter of facts to Telefónica and Pharol ('Letter of Facts'), informing them that the Commission intended to adopt a new decision pursuant to Article 23 of Regulation 1/2003 [5], imposing fines on each of them for their infringement of Article 101 TFEU, as specified in Article 1 of the 2013 Decision. The new decision would amend the 2013 Decision, taking into account the General Court judgments and the Court of Justice judgment.

Telefónica and Pharol submitted their views on the Letter of Facts on 18 October 2019 and 10 January 2020 respectively. On 22 June and 4 August 2020, Telefónica submitted additional observations.

PROCEDURAL POINTS RAISED BY TELEFÓNICA

a) Alleged necessity of a new statement of objections and oral hearing

In its reply to the Letter of Facts, Telefónica requested a new statement of objections and a new oral hearing [6] arguing that given the content of the Letter of Facts and the proposals made in it, the appropriate action would be for the Commission to issue a new statement of objections and to grant Telefónica an oral hearing in the presence of representatives of the Member States, in accordance with the procedure and subject to the procedural guarantees laid down in Regulation 1/2003 [7]. Telefónica does not elaborate on this request but does draw analogies to the *Toshiba* judgment, arguing that the analysis of the existence of potential competition between PT and Telefónica in each of the markets and services to which the Letter of Facts refers affects essential aspects of assessing the parameters for calculating the amount of the fine imposed on Telefónica [8].

---

[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] Portugal Telecom SGPS, S.A. ('PT') the original addressee of the 2013 Decision was renamed to Pharol in 2015.

[3] Case T-216/13 *Telefónica SA v European Commission* and Case T-208/13 *Portugal Telecom SGPS SA v European Commission* ('General Court judgments').

[4] Case C-487/16 P *Telefónica SA v European Commission*. Pharol did not appeal the General Court's judgment in Case T-208/13. ('Court of Justice judgment').

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

[6] Pharol did not make a similar request.

[7] Telefónica's reply to the Letter of Facts, paragraph 9.

[8] Telefónica's reply to the Letter of Facts, footnote 8.

Telefónica's argument appears to be that because the Letter of Facts contained essential aspects of assessing the parameters for calculating the amount of the fine Telefónica somehow merited a statement of objections and oral hearing. Telefónica's approach has no basis, however, in the case law.

As a first point in this respect, it is to be recalled that the annulment of an EU act does not necessarily affect preparatory measures, and the procedure for replacing the annulled measure may, in principle, be resumed at the very point at which the illegality occurred. If it is found that the annulment does not affect the validity of the prior procedural measures, the Commission is not, as a result of that annulment alone, required to present the undertakings concerned with a new statement of objections ([9]). In the present case, Telefónica does not appear to allege that the defect identified by the General Court judgments concerned the objections raised against Telefónica in 2011 prior to the adoption of the 2013 Decision ([10]).

Second, the new draft decision concerns solely the detailed calculation of the amount of fines, in particular of the value of sales. As the draft decision rightly points out in its paragraphs 23-26, the Commission is not raising any new objections and Telefónica is not arguing that the Letter of Facts contained such objections.

Third, to the extent that Telefónica is taking issue with the absence of a further oral hearing, it is noted that the right to be heard does not mean that the person concerned must be given the opportunity to express his or her views orally, since the opportunity to provide comments in writing also allows that right to be observed ([11]). Telefónica had the possibility to react in writing to the Letter of Facts and made several further submissions to the Commission.

In light of the above, I do not see that Telefónica's view that the Commission should have issued a new statement of objections and granted a new oral hearing is justified.

b) **Telefónica's argument that raising the value of sales would be contrary to the Charter of Fundamental Rights ('Charter')**

Insofar as the draft decision uses corrected reference data for the determination of its value of sales, Telefónica claims that raising the value of sales in a new decision is contrary to Article 47 of the Charter ([12]). That is because under this Article, court judgments cannot become ineffective as a result of the acts of the administrative bodies which must enforce them. In Telefónica's view, under the Commission's approach, the effectiveness of a judgment would be completely eradicated ([13]), thereby giving rise to a situation of risk for any future appellant considering bringing an action for annulment.

Given that the amount of the fine established by the draft decision is not increased as compared to the 2013 Decision, there is no question of violation of Article 47 of the Charter stemming from Telefónica's appeal of the 2013 Decision.

CONCLUSION

I consider that the right to be heard of all participants to the proceedings has been respected in this case.

Brussels, 24 January 2022.

Dorothe DALHEIMER

([9]) *Limburgse Vinyl Maatschappij and Others* v *Commission*, C-238/99 P, C-244/99 P, C-245/99 P, C-247/99 P, C-250/99 P to C-252/99 P and C-254/99 P, ECLI:EU:C:2002:582, paragraphs 73 to 75 and 80 and 81.

([10]) See, *Toshiba v Commission*, C-180/16 P, ECLI:EU:C:2017:520, paragraph 28.

([11]) *HeidelbergCement AG and Schwenk Zement KG v Commission*, T-380/17, ECLI:EU:T:2020:471, paragraph 634.

([12]) Telefónica's reply to the Letter of Facts, paragraphs 37 to 42.

([13]) Telefónica's reply to the Letter of Facts, paragraph 38.

Summary of Commission Decision

of 25 January 2022

amending Decision C(2013) 306 final relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union (the Treaty)

(Case AT.39839 - Telefónica and Portugal Telecom)

(notified under document C(2022) 324)

(Only English and Portuguese version is authentic)

(2022/C 286/10)

On 25 January 2022, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ([1]), the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

1. **INTRODUCTION**

(1) On 23 January 2013, the Commission adopted a Decision fining Telefónica and Portugal Telecom for entering into a non-compete agreement with the object of restricting competition in the internal market and thus infringing Article 101 TFEU (the '2013 Decision'). The General Court, in its judgements of 28 June 2016 ([2]) (later confirmed by the judgment of the Court of Justice of 13 December 2017), upheld the Commission's reasoning as regards the infringement in its Decision, but annulled the fines imposed by the Commission. In accordance with the Court judgments, the Decision determines the services for which Telefónica and Portugal Telecom were not in potential competition at the time of the infringement and excludes them for the purposes of the fines calculation.

2. **PROCEDURE**

(2) The Commission found in its Decision of 23 January 2013 that Telefónica and Portugal Telecom infringed Article 101 TFEU by participating in a non-compete agreement included as clause nine of the Stock Purchase Agreement entered into by them on 28 July 2010 in the context of the acquisition by Telefónica of sole control over the Brazilian mobile service operator Vivo.

(3) For this infringement, the Commission imposed fines of EUR 66 894 000 on Telefónica and of EUR 12 290 000 on Portugal Telecom under Article 23(2) of Regulation (EC) No 1/2003.

(4) Both Telefónica and Portugal Telecom appealed the Commission Decision to the General Court. In its judgments of 28 June 2016, the General Court upheld the Commission's conclusion in Article 1 of the Commission Decision that Telefónica and Portugal Telecom infringed Article 101 TFEU from 27 September 2010 until 4 February 2011 by participating in a non-compete agreement.

(5) As regards the imposition of fines, the General Court annulled Article 2 of the Commission Decision in so far as the amount of the fines was set on the basis of the value of sales taken into account by the Commission.

(6) Telefónica appealed the *Telefónica* judgment. On 13 December 2017, the Court of Justice issued its judgment in Case C-487/16 P *Telefónica SA v European Commission*, rejecting Telefónica's appeal. Pharol did not appeal the *PT* judgment.

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

([2]) Case T-216/13 *Telefónica SA v European Commission* (the 'Telefónica judgment') and Case T-208/13 *Portugal Telecom SGPS SA v European Commission* (the 'PT judgment').

3. **FACTS**

(7) The situation whereby the Commission's finding of an infringement remains in effect and has *res judicata* value, while the fines for that infringement have been annulled, should be remedied by a new Decision under Article 23(2) of Regulation (EC) No 1/2003 for Telefónica's and Portugal Telecom's infringement of Article 101 TFEU established in the 2013 Decision.

(8) For the calculation of the fine, the Commission relies on the assessment of the facts established in the 2013 Decision. At the same time, it applies the principles established in the General Court's judgments regarding the Commission's obligation to determine, on the basis of the material put forward by the Parties, the services for which the Parties were not in potential competition with each other within the Iberian Peninsula during the period of application of the non-compete clause. The Commission therefore excludes those services from the value of sales for the purpose of calculating the fines.

(9) Moreover, in the current process of recalculating the fines, the Commission discovered several miscalculations made by Telefónica when providing their value of sales figures, which ultimately affected the fines calculation in the 2013 Decision.

(10) Such calculation mistakes cannot be left unaddressed. If not corrected, the value of sales would remain erroneous and unduly low and would result in a fine calculated on the basis of incorrect information. Therefore, the Commission bases itself on the new revised figures provided by Telefónica during the current investigation in order to establish the correct value of sales in its Decision.

(11) In the new Decision, the Commission subtracts the value of sales of services for which the Commission considers that there was no potential competition between the Parties during the period of application of the non-compete clause.

(12) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 21 January 2022. The Decision was adopted on 25 January 2022.

4. **LEGAL ASSESSMENT**

4.1. **Potential competition**

(13) The Commission considers, in accordance with consistent case-law ([3]), that in market-sharing agreements, such as the one concerned in this Decision, the standard of proof to assess potential competition is '*insurmountable barriers to entry*'. At the same time, the Commission applies in this case a stricter approach than required and verifies that the possibility to enter the market was not purely hypothetical, taking into account the specific circumstances of the different markets or services.

(14) Therefore, the services for which the Commission considers that there was no potential competition between the Parties during the period of application of the non-compete clause are the following:

A) For Telefónica:

(i) wholesale (physical) network infrastructure access (LLU);

(ii) universal services;

([3]) Telefónica judgment, paragraph 221 and the *PT* judgment, paragraph 181; Case T-691/14, *Servier SAS and Others v European Commission*, ECLI:EU:T:2018:922, paragraphs 319, 327 and 328, Judgment of the General Court of 21 May 2014, T-519/09, *Toshiba Corp. v European Commission*, ECLI:EU:T:2014:263, paragraph 231.

(iii) SIRDEE (Emergency Digital Radio System) services; and

(iv) certain services, part of the fixed communication services in public areas provided by Telefónica (payment services, sale of defibrillators and rental of outdoor advertising solutions).

B) For Pharol:

(i) wholesale (physical) network infrastructure access (LLU);

(ii) wholesale services for broadcasting digital television; and

(iii) wholesale analogue terrestrial television broadcasting services.

5. **FINES**

(15) The Commission applies the same considerations as in 2013 as regards the gravity factor for the fine, duration of the infringement, proportion of the value of sales to be taken into account and existence of aggravating and mitigating circumstances.

(16) The adjusted basic amount does not exceed 10 % of Telefónica's total turnover in 2020. Following a series of successive transactions and re-organisation within the company, Pharol did not attain any turnover in 2020, which does not reflect appropriately its economic weight. The Commission finds that, as required by the case-law, the turnover of Pharol in the year 2013, which represents the last full year of Pharol's normal economic activity over a period of 12 months ([4]), best reflects Pharol's real economic situation and guarantees a sufficient deterrent effect. Pharol's adjusted basic amount does not exceed 10 % of its total turnover for the business year 2013.

(17) Finally, although the errors relating to Telefónica's value of sales resulted from Telefónica's own erroneous calculations, the Commission would not have discovered these errors regarding the value of sales and would therefore not have been able to increase the fine, had the fines of the 2013 Decision not been annulled by the General Court. In those circumstances, and given the relatively modest effect those errors had on the size of the fine, and the fact that a significant time period has already lapsed since those errors occurred (12 September 2012), the Commission considers it reasonable in this particular case to use its margin of discretion, in accordance with point 37 of the Guidelines on fines ([5]), to reduce the fine for Telefónica to the level that was established in the 2013 Decision.

(18) The final amount of the individual fines imposed pursuant to Article 23(2) of Regulation (EC) No 1/2003 is therefore the following:

Party	Total fine (EUR)
Telefónica	66 894 000
Pharol	12 146 000

([4]) As referenced for example in Judgment of the General Court of 28 April 2010, T-456/05 and T-457/05, *Gütermann et Zwicky*, ECLI:EU:T:2010:168, paragraphs 94-103 and other references thereof.

([5]) 'Although these Guidelines present the general methodology for the setting of fines, the particularities of a given case or the need to achieve deterrence in a particular case may justify departing from such methodology or from the limits specified in point 21'.

NOTICES FROM MEMBER STATES

Update of the list of border crossing points as referred to in Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) [1]

(2022/C 286/11)

The publication of the list of border crossing points as referred to in Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) [2] is based on the information notified by the Member States to the Commission pursuant to Article 39 of the Schengen Borders Code.

In addition to the publication in the Official Journal, a regular update is available on the website of the Directorate-General for Migration and Home Affairs.

LIST OF BORDER CROSSING POINTS

GERMANY

Replacement of the information published in OJ C 201, 18.5.2022, p. 82.

Ports on the North Sea

(1) Borkum

(2) Brake

(3) Brunsbüttel

(4) Büsum

(5) Bützflether Sand

(6) Bremen

(7) Bremerhaven

(8) Cuxhaven

(9) Eckwarderhörne

(10) Elsfleth

(11) Emden

(12) Fedderwardersiel

(13) Glückstadt

(14) Hamburg

(15) Hamburg-Neuenfelde

[1] See the list of previous publications at the end of this update.
[2] OJ L 77, 23.3.2016, p. 1.

(16) Herbrum

(17) Helgoland

(18) Horumersiel

(19) Husum

(20) Juist

(21) Leer

(22) Lemwerder

(23) List/Sylt

(24) Neuharlingersiel

(25) Norddeich

(26) Nordenham

(27) Otterndorf

(28) Papenburg

(29) Spiekeroog

(30) Stade

(31) Stadersand

(32) Varel

(33) Wangerooge

(34) Wedel

(35) Weener

(36) Westeraccumersiel

(37) Wewelsfleth

(38) Wilhelmshaven

Baltic ports

(1) Eckernförde (Federal German Navy port facilities)

(2) Port of Flensburg

(3) Port of Greifswald-Ladebow

(4) Jägersberg (Federal German Navy port facilities)

(5) Kiel

(6) Kiel (Federal German Navy port facilities)

(7) Kiel-Holtenau

(8) Lubmin

(9) Lübeck

(10) Lübeck-Travemünde

(11) Mukran

(12) Neustadt

(13) Puttgarden

(14) Rendsburg

(15) Port of Rostock (amalgamation of the overseas ports of Warnemünde and Rostock)

(16) Sassnitz

(17) Stralsund

(18) Surendorf (Federal German Navy port facilities)

(19) Vierow

(20) Wismar

(21) Wolgast

ODERHAFF

(1) Ueckermünde

Airports, aerodromes, air fields

IN THE FEDERAL STATE OF BADEN WÜRTTEMBERG

(1) Aalen-Heidenheim-Elchingen

(2) Baden Airport Karlsruhe Baden-Baden

(3) Donaueschingen-Villingen

(4) Freiburg/Brg.

(5) Friedrichshafen-Löwental

(6) Heubach (District of Schwäb. Gmünd)

(7) Lahr

(8) Laupheim

(9) Leutkirch-Unterzeil

(10) Mannheim-City

(11) Mengen

(12) Niederstetten

(13) Schwäbisch Hall

(14) Stuttgart

IN THE FEDERAL STATE OF BAVARIA

(1) Aschaffenburg

(2) Augsburg-Mühlhausen

(3) Bayreuth – Bindlacher Berg

(4) Coburg-Brandebsteinsebene

(5) Giebelstadt

(6) Hassfurth-Mainwiesen

(7) Hof-Plauen

(8) Ingolstadt

(9) Landshut-Ellermühle

(10) Lechfeld

(11) Memmingerberg

(12) München 'Franz Joseph Strauß'

(13) Neuburg

(14) Nürnberg

(15) Oberpfaffenhofen

(16) Roth

(17) Straubing-Wallmühle

IN THE FEDERAL STATE OF BERLIN

(1) Berlin-Tegel

IN THE FEDERAL STATE OF BRANDENBURG

(1) Berlin Brandenburg 'Willy Brandt'

(2) Schönhagen

IN THE FEDERAL STATE OF BREMEN

(1) Bremen

IN THE FEDERAL STATE OF HAMBURG

(1) Hamburg

IN THE FEDERAL STATE OF HESSE

(1) Allendorf/Eder

(2) Egelsbach

(3) Frankfurt/Main

(4) Fritzlar

(5) Kassel-Calden

(6) Reichelsheim

IN THE FEDERAL STATE OF MECKLENBURG-WESTERN POMERANIA

(1) Neubrandenburg-Trollenhagen

(2) Rostock-Laage

IN THE FEDERAL STATE OF LOWER SAXONY

(1) Borkum

(2) Braunschweig-Waggum

(3) Bückeburg-Achum

(4) Celle

(5) Damme/Dümmer-See

(6) Diepholz

(7) Emden

(8) Fassberg

(9) Ganderkesee

(10) Hannover

(11) Leer-Nüttermoor

(12) Norderney

(13) Nordholz

(14) Osnabrück-Atterheide

(15) Wangerooge

(16) Wilhelmshaven-Mariensiel

(17) Wittmundhafen

(18) Wunstorf

IN THE FEDERAL STATE OF NORTH RHINE-WESTPHALIA

(1) Aachen-Merzbrück

(2) Arnsberg

(3) Bielefeld-Windelsbleiche

(4) Bonn-Hardthöhe

(5) Dortmund-Wickede

(6) Düsseldorf

(7) Essen-Mülheim

(8) Bonn Hangelar

(9) Köln/Bonn

(10) Marl/Loemühle

(11) Mönchengladbach

(12) Münster-Osnabrück

(13) Nörvenich

(14) Paderborn-Lippstadt

(15) Porta Westfalica

(16) Rheine-Bentlage

(17) Siegerland

(18) Stadtlohn-Wenningfeld

(19) Weeze-Lahrbruch

IN THE FEDERAL STATE OF RHINELAND-PALATINATE

(1) Büchel

(2) Föhren

(3) Hahn

(4) Koblenz-Winningen

(5) Mainz-Finthen

(6) Pirmasens-Pottschütthöhe

(7) Ramstein (US Air Base)

(8) Speyer

(9) Spangdahlem (US Air Base)

(10) Zweibrücken

IN THE FEDERAL STATE OF SAARLAND

(1) Saarbrücken-Ensheim

(2) Saarlouis/Düren

IN THE FEDERAL STATE OF SAXONY

(1) Dresden

(2) Leipzig-Halle

(3) Rothenburg/Oberlausitz

IN THE FEDERAL STATE OF SAXONY-ANHALT

(1) Cochstedt

(2) Magdeburg

IN THE FEDERAL STATE OF SCHLESWIG-HOLSTEIN

(1) Helgoland-Düne

(2) Hohn

(3) Kiel-Holtenau

(4) Lübeck-Blankensee

(5) Schleswig/Jagel

(6) Westerland/Sylt

IN THE FEDERAL STATE OF THURINGIA

(1) Altenburg-Nobitz

(2) Erfurt-Weimar

List of previous publications

OJ C 247, 13.10.2006, p. 25.
OJ C 77, 5.4.2007, p. 11.
OJ C 153, 6.7.2007, p. 22.
OJ C 164, 18.7.2008, p. 45.
OJ C 316, 28.12.2007, p. 1.
OJ C 134, 31.5.2008, p. 16.
OJ C 177, 12.7.2008, p. 9.
OJ C 200, 6.8.2008, p. 10.
OJ C 331, 31.12.2008, p. 13.
OJ C 3, 8.1.2009, p. 10.
OJ C 37, 14.2.2009, p. 10.
OJ C 64, 19.3.2009, p. 20.
OJ C 99, 30.4.2009, p. 7.
OJ C 229, 23.9.2009, p. 28.
OJ C 263, 5.11.2009, p. 22.
OJ C 298, 8.12.2009, p. 17.
OJ C 74, 24.3.2010, p. 13.
OJ C 326, 3.12.2010, p. 17.
OJ C 355, 29.12.2010, p. 34.
OJ C 22, 22.1.2011, p. 22.
OJ C 37, 5.2.2011, p. 12.
OJ C 149, 20.5.2011, p. 8.
OJ C 190, 30.6.2011, p. 17.
OJ C 203, 9.7.2011, p. 14.
OJ C 210, 16.7.2011, p. 30.
OJ C 271, 14.9.2011, p. 18.
OJ C 356, 6.12.2011, p. 12.
OJ C 111, 18.4.2012, p. 3.
OJ C 183, 23.6.2012, p. 7.
OJ C 313, 17.10.2012, p. 11.
OJ C 394, 20.12.2012, p. 22.
OJ C 51, 22.2.2013, p. 9.
OJ C 167, 13.6.2013, p. 9.
OJ C 242, 23.8.2013, p. 2.
OJ C 275, 24.9.2013, p. 7.
OJ C 314, 29.10.2013, p. 5.
OJ C 324, 9.11.2013, p. 6.
OJ C 57, 28.2.2014, p. 4.
OJ C 167, 4.6.2014, p. 9.
OJ C 244, 26.7.2014, p. 22.
OJ C 332, 24.9.2014, p. 12.
OJ C 420, 22.11.2014, p. 9.
OJ C 72, 28.2.2015, p. 17.
OJ C 126, 18.4.2015, p. 10.
OJ C 229, 14.7.2015, p. 5.
OJ C 341, 16.10.2015, p. 19.
OJ C 84, 4.3.2016, p. 2.
OJ C 236, 30.6.2016, p. 6.
OJ C 278, 30.7.2016, p. 47.
OJ C 331, 9.9.2016, p. 2.
OJ C 401, 29.10.2016, p. 4.
OJ C 484, 24.12.2016, p. 30.
OJ C 32, 1.2.2017, p. 4.
OJ C 74, 10.3.2017, p. 9.
OJ C 120, 13.4.2017, p. 17.
OJ C 152, 16.5.2017, p. 5.
OJ C 411, 2.12.2017, p. 10.
OJ C 31, 27.1.2018, p. 12.
OJ C 261, 25.7.2018, p. 6.
OJ C 264, 26.7.2018, p. 8.
OJ C 368, 11.10.2018, p. 4.
OJ C 459, 20.12.2018, p. 40.
OJ C 43, 4.2.2019, p. 2.
OJ C 64, 27.2.2020, p. 17.
OJ C 231, 14.7.2020, p. 2.
OJ C 58, 18.2.2021, p. 35.
OJ C 81, 10.3.2021, p. 27.
OJ C 184, 12.5.2021, p. 8.
OJ C 219, 9.6.2021, p. 9.
OJ C 279, 13.7.2021, p. 4.
OJ C 290, 20.7.2021, p. 10.
OJ C 380, 20.9.2021, p. 3.
OJ C 483, 1.12.2021, p. 19.
OJ C 201, 18.5.2022, p. 82.
OJ C 229, 14.6.2022, p. 8.
OJ C 241, 24.6.2022, p. 6.

V

(Announcements)

OTHER ACTS

EUROPEAN COMMISSION

Publication of an application for amendment of a specification for a name in the wine sector, as referred to in Article 105 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council

(2022/C 286/12)

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 2 months from the date of this publication.

REQUEST FOR AMENDMENT TO THE PRODUCT SPECIFICATION

'Comtés Rhodaniens'

PGI-FR-A1230-AM02

Date of application: 23 September 2016

1. **Rules applicable to the amendment**

Article 105 of Regulation (EU) No 1308/2013 - Non-minor amendment

2. **Description of and reasons for amendment**

2.1. *Geographical area*

Chapter 1, section 4 of the specification has been expanded to provide a more detailed description of the geographical area and to correct some clerical errors.

In the previous national legislation, the geographical area of production was presented as a list of cantons. Cantons are groupings of municipalities for electoral purposes and may change over time. For this reason, it was decided to provide details of the municipalities covered by the specification. However, this inclusion led to a number of clerical errors which should be corrected.

The description of the geographical area is now a list of municipalities, with reference to the Official Geographical Code, a national reference resource on which basis these lists were compiled. This means that any changes arising can be followed up more effectively.

The description of the geographical area in the form of a list of municipalities has been moved to the 'Demarcated Geographical Area' section of the single document.

2.2. *National and EU requirements — Main points to be checked*

In Chapter 2 of the specification, the list of the main points to be checked has been corrected. It has now been clarified that the organoleptic check of the products is carried out if an anomaly is detected during an internal check, i.e. organoleptic examination of bulk wines and packaged wines.

This amendment to the specification does not affect the single document.

([1]) OJ L 347, 20.12.2013, p. 671.

2.3. *Link with the geographical area*

Chapter 1, section 7 of the specification, 'Link with the geographical area', has been amended in order to highlight more clearly the features common to all sub-areas within the production area, i.e. climate type and broad soil categories. The amendment also includes an explanation of the causal link inherent in the impact of the regional climate and soil types on the production of rather fresh, supple and fruity wines.

These amendments have been moved to the section on 'Link with the geographical area' in the single document.

2.4. *Description of the wine(s)*

In Chapter 1 of the specification, section 3.3 on the description of the wines has been expanded.

These amendments have also been made to the single document under 'Description of the wine(s)'.

2.5. *Labelling*

Chapter 1, section 5 of the specification has been amended to remove the set list of names of grape varieties which can appear with the designation 'Comtés Rhodaniens' on the product labelling. The applicant group wishes to be able to take full advantage of all the vine varieties in the geographical area of production.

The following sentence has been deleted: 'Wines with the protected geographical indication "Comtés Rhodaniens" followed by the name of one or more grape varieties are made from these varieties: Chardonnay B, Gamaret N, Gamay N, Marsanne B, Pinot Noir N, Roussanne B, Syrah N, Viognier B.'

The section of the single document on additional provisions relating to labelling has therefore been amended.

2.6. *Deletion of a category of grapevine product*

The specification has been amended to remove all provisions relating to the production of quality sparkling wines. This follows the decision of the Council of State of 2 March 2015 annulling the Order of 28 October 2011 on the 'Comtés Rhodaniens' PGI which had approved the provisions of the specification relating to 'rosé and white quality sparkling wines'.

SINGLE DOCUMENT

1. **Name(s)**

Comtés Rhodaniens

2. **Geographical indication type**

PGI - Protected Geographical Indication

3. **Categories of grapevine products**

1. Wine

4. **Description of the wine(s)**

Red, rosé and white wines of the 'Comtés Rhodaniens' PGI

The 'Comtés Rhodaniens' protected geographical indication covers still red, rosé and white wines only.

With the exception of the minimum actual alcoholic strength by volume, the analytical criteria follow EU rules.

The wines all have characteristically fruity aromas which are always present. Their intensity and nature may vary, however, depending on the grape varieties, whether blended or not, and the technologies used. For the red wines, the methods of extraction produce smooth structures with ripe and soft tannins. The red wines range from raspberry to ruby in colour. On the nose and in the mouth, they present aromas of red or black fruits complemented by marked mineral notes, sometimes with a floral touch depending on the grape variety. In the mouth, the wines are rounded with a good balance between sugars and acids. For white and rosé wines, the vinification methods used make it possible to maintain an excellent balance between sugars and acids, and to preserve the freshness and fruitiness of the

wines. The white wines range in colour from pale yellow with green tints to golden yellow. On the nose and in the mouth, they present aromas of fresh fruit and citrus, with floral or mineral notes depending on the grape variety. The rosé wines are a bright coral colour of varying intensity. On the nose and in the mouth, they present aromas of fresh fruit. In the mouth, they are especially lively.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	9
Minimum total acidity	
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

5. **Wine-making practices**

a. *Essential oenological practices*

As regards oenological practices, the wines must comply with all the requirements of European and national legislation.

b. *Maximum yields*

98 hectolitres per hectare

6. **Demarcated geographical area**

The grape harvest and wine-making process for the geographical indication 'Comtés Rhodaniens' take place in the departments of Ain, Ardèche, Drôme, Isère, Loire, Rhône, Savoie, Haute-Savoie and Saône-et-Loire, in the territory of specific municipalities listed in the specification.

Department of Ain: 5 municipalities

Anglefort, Chanay, Corbonod, Culoz and Seyssel.

Department of Ardèche: 245 municipalities

Ailhon, Aizac, Alba-la-Romaine, Alboussière, Andance, Annonay, Ardoix, Arlebosc, Arras-sur-Rhône, Les Assions, Astet, Aubenas, Aubignas, Baix, Balazuc, Banne, Barnas, Beauchastel, Beaulieu, Beaumont, Berrias-et-Casteljau, Berzème, Bessas, Bidon, Bogy, Boucieu-le-Roi, Boulieu-lès-Annonay, Bourg-Saint-Andéol, Bozas, Brossainc, Chambonas, Champagne, Champis, Chandolas, Charmes-sur-Rhône, Charnas, Chassiers, Châteaubourg, Chauzon, Chazeaux, Cheminas, Chirols, Chomérac, Colombier-le-Cardinal, Colombier-le-Jeune, Colombier-le-Vieux, Cornas, Coux, Le Crestet, Cruas, Darbres, Davézieux, Désaignes, Dompnac, Dunière-sur-Eyrieux, Eclassan, Empurany, Étables, Fabras, Faugères, Félines, Flaviac, Fons, Genestelle, Gilhac-et-Bruzac, Gilhoc-sur-Ormèze, Glun, Gras, Gravières, Grospierres, Guilherand-Granges, Jaujac, Joannas, Joyeuse, Juvinas, Labastide-de-Virac, Labastide-sur-Bésorgues, Labeaume, Labégude, Lablachère, Laboule, Lachamp-Raphaël, Lachapelle-sous-Aubenas, Lafarre, Lagorce, Lalevade-d'Ardèche, Lalouvesc, Lamastre, Lanas, Largentière, Larnas, Laurac-en-Vivarais, Lavilledieu, Laviolle, Lemps, Lentillères, Limony, Loubaresse, Lussas, Malarce-sur-la-Thines, Malbosc, Mauves, Mayres, Mercuer, Meyras, Meysse, Mézilhac, Mirabel, Monestier, Montréal, Montselgues, Les Ollières-sur-Eyrieux, Orgnac-l'Aven, Ozon, Pailharès, Payzac, Peaugres, Peyraud, Planzolles, Plats, Pont-de-Labeaume, Pourchères, Le Pouzin, Prades, Pradons, Préaux, Prunet, Quintenas, Ribes, Rochecolombe, Rochemaure, Rocher, Rochessauve, Rocles, Roiffieux, Rompon, Rosières, Ruoms, Sablières, Saint-Alban-Auriolles, Saint-Alban-d'Ay, Saint-Andéol-de-Berg, Saint-Andéol-de-Vals, Saint-André-de-Cruzières, Saint-André-Lachamp, Saint-Barthélemy-le-Plain, Saint-Bauzile, Saint-Cierge-la-Serre, Saint-Cirgues-de-Prades, Saint-Clair, Saint-Cyr, Saint-Désirat, Saint-Didier-sous-Aubenas, Saint-Étienne-de-Boulogne, Saint-Étienne-de-Fontbellon, Saint-Étienne-de-Valoux, Saint-Félicien, Saint-Fortunat-sur-Eyrieux, Saint-Genest-de-Beauzon, Saint-Georges-les-Bains, Saint-Germain, Saint-Gineis-en-Coiron, Saint-Jacques-d'Atticieux, Saint-Jean-de-Muzols, Saint-Jean-le-Centenier, Saint-Jeure-d'Ay, Saint-Joseph-des-Bancs, Saint-Julien-du-Serre, Saint-Julien-en-Saint-Alban, Saint-Julien-Vocance, Saint-Just-d'Ardèche, Saint-Lager-Bressac, Saint-Laurent-du-Pape, Saint-Laurent-sous-Coiron, Saint-Marcel-d'Ardèche, Saint-Marcel-lès-Annonay, Saint-Martin-d'Ardèche, Saint-Martin-sur-Lavezon, Saint-Maurice-

d'Ardèche, Saint-Maurice-d'Ibie, Saint-Mélany, Saint-Michel-de-Boulogne, Saint-Michel-de-Chabrillanoux, Saint-Montan, Saint-Paul-le-Jeune, Saint-Péray, Saint-Pierre-la-Roche, Saint-Pierre-Saint-Jean, Saint-Pierre-sur-Doux, Saint-Pons, Saint-Privat, Saint-Remèze, Saint-Romain-d'Ay, Saint-Romain-de-Lerps, Saint-Sauveur-de-Cruzières, Saint-Sernin, Saint-Symphorien-de-Mahun, Saint-Symphorien-sous-Chomérac, Saint-Thomé, Saint-Victor, Saint-Vincent-de-Barrès, Saint-Vincent-de-Durfort, Sainte-Marguerite-Lafigère, Salavas, Les Salelles, Sampzon, Sanilhac, Sarras, Satillieu, Savas, Sceautres, Sécheras, Serrières, La Souche, Soyons, Talencieux, Tauriers, Le Teil, Thorrenc, Thueyts, Toulaud, Tournon-sur-Rhône, Ucel, Uzer, Vagnas, Valgorge, Vallées-d'Antraigues-Asperjoc, Vallon-Pont-d'Arc, Vals-les-Bains, Valvignères, Vanosc, Les Vans, Vaudevant, Vernon, Vernosc-lès-Annonay, Vesseaux, Villeneuve-de-Berg, Villevocance, Vinezac, Vinzieux, Vion, Viviers, Vocance, Vogüé and La Voulte-sur-Rhône.

Department of Drôme: 275 municipalities

Municipalities included in their entirety:

Albon, Aleyrac, Alixan, Allan, Allex, Ambonil, Ancône, Andancette, Anneyron, Aouste-sur-Sye, Arpavon, Arthémonay, Aubenasson, Aubres, Aulan, Aurel, Autichamp, Ballons, Barcelonne, Barnave, Barret-de-Lioure, Barsac, Bathernay, La Bâtie-Rolland, La Baume-de-Transit, Beaufort-sur-Gervanne, Beaumont-lès-Valence, Beaumont-Monteux, Beausemblant, Beauvallon, Beauvoisin, La Bégude-de-Mazenc, Bellecombe-Tarendol, Bénivay-Ollon, Bésayes, Bésignan, Bonlieu-sur-Roubion, Bouchet, Bourg-lès-Valence, Bren, Buis-les-Baronnies, Chabeuil, Chabrillan, Le Chalon, Chamaloc, Chamaret, Chanos-Curson, Chantemerle-les-Blés, Chantemerle-lès-Grignan, La Charce, Charmes-sur-l'Herbasse, Charols, Chastel-Arnaud, Châteaudouble, Châteauneuf-de-Bordette, Châteauneuf-de-Galaure, Châteauneuf-du-Rhône, Châteauneuf-sur-Isère, Châtillon-en-Diois, Châtillon-Saint-Jean, Chatuzange-le-Goubet, Chaudebonne, Chauvac-Laux-Montaux, Chavannes, Clansayes, Claveyson, Cléon-d'Andran, Clérieux, Cliousclat, Colonzelle, Comps, Condillac, Condorcet, Cornillac, Cornillon-sur-l'Oule, La Coucourde, Crépol, Crest, Crozes-Hermitage, Curnier, Die, Dieulefit, Divajeu, Donzère, Érôme, Espeluche, Espenel, Étoile-sur-Rhône, Eurre, Eygalayes, Eygaliers, Eyroles, Eyzahut, Fay-le-Clos, Ferrassières, Francillon-sur-Roubion, La Garde-Adhémar, Génissieux, Gervans, Geyssans, Grane, Les Granges-Gontardes, Granges-les-Beaumont, Grignan, Izon-la-Bruisse, Laborel, Lachau, Larnage, La Laupie, Laval-d'Aix, Laveyron, Lemps, Livron-sur-Drôme, Loriol-sur-Drôme, Luc-en-Diois, Malataverne, Malissard, Manas, Margès, Marignac-en-Diois, Marsanne, Marsaz, Menglon Mercurol-Veaunes, Mérindol-les-Oliviers, Mévouillon, Mirabel-aux-Baronnies, Mirabel-et-Blacons, Mirmande, Mollans-sur-Ouvèze, Montauban-sur-l'Ouvèze, Montaulieu, Montboucher-sur-Jabron, Montbrison-sur-Lez, Montbrun-les-Bains, Montchenu, Montclar-sur-Gervanne, Montéléger, Montélier, Montélimar, Montferrand-la-Fare, Montfroc, Montguers, Montjoux, Montjoyer, Montlaur-en-Diois, Montmaur-en-Diois, Montmeyran, Montmiral, Montoison, Montréal-les-Sources, Montségur-sur-Lauzon, Montvendre, La Motte-de-Galaure, Mours-Saint-Eusèbe, Mureils, Nyons, Orcinas, Parnans, Le Pègue, Pelonne, La Penne-sur-l'Ouvèze, Peyrins, Piégon, Piégros-la-Clastre, Pierrelatte, Pierrelongue, Les Pilles, Plaisians, Le Poët-en-Percip, Le Poët-Laval, Le Poët-Sigillat, Pommerol, Ponet-et-Saint-Auban, Ponsas, Pont-de-Barret, Pont-de-l'Isère, Pontaix, Portes-en-Valdaine, Portes-lès-Valence, Poyols, Propiac, Puy-Saint-Martin, Puygiron, Ratières, Réauville, Recoubeau-Jansac, Reilhanette, Rémuzat, La Répara-Auriples, Rioms, La Roche-de-Glun, Roche-Saint-Secret-Béconne, La Roche-sur-Grane, La Roche-sur-le-Buis, Rochebaudin, Rochebrune, Rochefort-en-Valdaine, Rochegude, La Rochette-du-Buis, Romans-sur-Isère, Romeyer, Roussas, Rousset-les-Vignes, Roussieux, Roynac, Sahune, Saillans, Saint-Andéol, Saint-Auban-sur-l'Ouvèze, Saint-Avit, Saint-Bardoux, Saint-Barthélemy-de-Vals, Saint-Benoit-en-Diois, Saint-Donat-sur-l'Herbasse, Saint-Ferréol-Trente-Pas, Saint-Gervais-sur-Roubion, Saint-Julien-en-Quint, Saint-Laurent-d'Onay, Saint-Marcel-lès-Sauzet, Saint-Marcel-lès-Valence, Saint-Martin-d'Août, Saint-Maurice-sur-Eygues, Saint-May, Saint-Michel-sur-Savasse, Saint-Pantaléon-les-Vignes, Saint-Paul-lès-Romans, Saint-Paul-Trois-Châteaux, Saint-Rambert-d'Albon, Saint-Restitut, Saint-Roman, Saint-Sauveur-en-Diois, Saint-Sauveur-Gouvernet, Saint-Uze, Saint-Vallier, Sainte-Croix, Sainte-Euphémie-sur-Ouvèze, Sainte-Jalle, Salettes, Salles-sous-Bois, Saou, Saulce-sur-Rhône, Sauzet, Savasse, Séderon, Serves-sur-Rhône, Solaure en Diois, Solérieux, Souspierre, Soyans, Suze, Suze-la-Rousse, Tain-l'Hermitage, Taulignan, Teyssières, La Touche, Les Tourrettes, Triors, Tulette, Upie, Vachères-en-Quint, Valaurie, Valence, Valouse, Venterol, Vercheny, Verclause, Vercoiran, Vers-sur-Méouge, Vesc, Villebois-les-Pins, Villefranche-le-Château, Villeperdrix and Vinsobres.

Municipalities included in part only:

Valherbasse: the part corresponding to territory of the former municipalities of Miribel and Saint-Bonnet-de-Valclérieux.

Department of Isère: 181 municipalities

Les Adrets, Agnin, Allevard, Anjou, Annoisin-Chatelans, Aoste, Arandon-Passins, Assieu, Auberives-sur-Varèze, Les Avenières Veyrins-Thuellin, La Balme-les-Grottes, Barraux, Beaucroissant, Bernin, Biviers, Le Bouchage, Bougé-Chambalud, Bourgoin-Jallieu, Bouvesse-Quirieu, Brangues, La Buisse, La Buissière, Cessieu, Le Champ-près-Froges, Chamrousse, Chanas, Chapareillan, La Chapelle-de-la-Tour, La Chapelle-de-Surieu, La Chapelle-du-Bard, Charette, Charnècles, Chasse-sur-Rhône, Le Cheylas, Cheyssieu, Chimilin, Chonas-l'Amballan, Chozeau, Chuzelles, Claix,

Clonas-sur-Varèze, La Combe-de-Lancey, Corbelin, Corenc, Les Côtes-d'Arey, Coublevie, Courtenay, Cras, Crémieu, Crêts en Belledonne, Creys-Mépieu, Crolles, Dizimieu, Dolomieu, Domène, Estrablin, Eyzin-Pinet, Faverges-de-la-Tour, La Flachère, Fontaine, Fontanil-Cornillon, Froges, Gières, Goncelin, Granieu, Le Gua, Hières-sur-Amby, Hurtières, Izeaux, Jardin, Laval, Leyrieu, Lumbin, Luzinay, Meylan, Moidieu-Détourbe, Moirans, Montalieu-Vercieu, Montbonnot-Saint-Martin, Montcarra, Moras, Morestel, Morette, Le Moutaret, La Murette, Murianette, Noyarey, Optevoz, Parmilieu, Le Péage-du-Roussillon, La Pierre, Poliénas, Le Pont-de-Claix, Pont-Évêque, Pontcharra, Porcieu-Amblagnieu, Quincieu, Réaumont, Renage, Revel, Reventin-Vaugris, Rives, La Rivière, Les Roches-de-Condrieu, Rochetoirin, Romagnieu, Roussillon, Ruy-Montceau, Sablons, Saint-Alban-de-Roche, Saint-Alban-du-Rhône, Saint-Baudille-de-la-Tour, Saint-Blaise-du-Buis, Saint-Cassien, Saint-Chef, Saint-Clair-du-Rhône, Saint-Egrève, Saint-Etienne-de-Crossey, Saint-Hilaire-de-Brens, Saint-Ismier, Saint-Jean-de-Moirans, Saint-Jean-le-Vieux, Saint-Lattier, Saint-Marcel-Bel-Accueil, Saint-Martin-d'Uriage, Saint-Martin-le-Vinoux, Saint-Maurice-l'Exil, Saint-Maximin, Saint-Mury-Monteymond, Saint-Nazaire-les-Eymes, Saint-Paul-d'Izeaux, Saint-Paul-de-Varces, Saint-Prim, Saint-Quentin-sur-Isère, Saint-Romain-de-Jalionas, Saint-Romain-de-Surieu, Saint-Savin, Saint-Sorlin-de-Morestel, Saint-Sorlin-de-Vienne, Saint-Victor-de-Morestel, Saint-Vincent-de-Mercuze, Sainte-Agnès, Sainte-Marie-d'Alloix, Salagnon, Salaise-sur-Sanne, Sassenage, Septème, Sermérieu, Seyssuel, Siccieu-Saint-Julien-et-Carisieu, Soleymieu, Sonnay, Tencin, La Terrasse, Theys, Le Touvet, Trept, La Tronche, Tullins, Varces-Allières-et-Risset, Vasselin, Vatilieu, Vénérieu, Venon, Vernas, Vernioz, Le Versoud, Vertrieu, Veurey-Voroize, Veyssilieu, Vézeronce-Curtin, Vienne, Vif, Vignieu, Villard-Bonnot, Ville-sous-Anjou, Villemoirieu, Villette-de-Vienne, Voiron, Voreppe and Vourey.

Department of Loire: 179 municipalities

Ailleux, Ambierle, Andrézieux-Bouthéon, Arthun, Aveizieux, Balbigny, Bard, Bellegarde-en-Forez, La Bénisson-Dieu, Bessey, Boën-sur-Lignon, Boisset-lès-Montrond, Boisset-Saint-Priest, Bonson, Boyer, Briennon, Bully, Bussières, Bussy-Albieux, Cellieu, Cezay, Chagnon, Chalain-d'Uzore, Chalain-le-Comtal, Chalmazel-Jeansagnière, Chambles, Chamboeuf, Champdieu, Chandon, Changy, La Chapelle-en-Lafaye, La Chapelle-Villars, Charlieu, Châteauneuf, Châtelneuf, Chavanay, Chazelles-sur-Lavieu, Chenereilles, Chuyer, Combre, Commelle-Vernay, Cordelle, Le Coteau, Coutouvre, Craintilleux, Le Crozet, Cuzieu, Dargoire, Débats-Rivière-d'Orpra, Écotay-l'Olme, Essertines-en-Châtelneuf, Genilac, Grézieux-le-Fromental, Grézolles, Gumières, L'Hôpital-le-Grand, L'Hôpital-sous-Rochefort, Jarnosse, Lavieu, Leigneux, Lentigny, Lérigneux, Lézigneux, Lupé, Luré, Luriecq, Mably, Maclas, Magneux-Haute-Rive, Maizilly, Malleval, Marcilly-le-Châtel, Marcoux, Margerie-Chantagret, Marols, Mars, Montagny, Montarcher, Montbrison, Montrond-les-Bains, Montverdun, Mornand-en-Forez, Nandax, Néronde, Neulise, Noailly, Nollieux, Notre-Dame-de-Boisset, Ouches, La Pacaudière, Palogneux, Parigny, Pélussin, Périgneux, Pinay, Pommiers, Pouilly-les-Nonains, Pouilly-sous-Charlieu, Pradines, Pralong, Précieux, Renaison, Riorges, Rivas, Roanne, Roche, Roisey, Sail-sous-Couzan, Saint-Alban-les-Eaux, Saint-André-d'Apchon, Saint-André-le-Puy, Saint-Appolinard, Saint-Bonnet-des-Quarts, Saint-Bonnet-le-Courreau, Saint-Bonnet-les-Oules, Saint-Cyprien, Saint-Cyr-de-Favières, Saint-Cyr-de-Valorges, Saint-Denis-de-Cabanne, Saint-Étienne-le-Molard, Saint-Forgeux-Lespinasse, Saint-Galmier, Saint-Georges-de-Baroille, Saint-Georges-en-Couzan, Saint-Georges-Haute-Ville, Saint-Germain-Laval, Saint-Germain-Lespinasse, Saint-Haon-le-Châtel, Saint-Haon-le-Vieux, Saint-Hilaire-sous-Charlieu, Saint-Jean-Saint-Maurice-sur-Loire, Saint-Jean-Soleymieux, Saint-Jodard, Saint-Joseph, Saint-Julien-d'Oddes, Saint-Just-en-Bas, Saint-Just-Saint-Rambert, Saint-Laurent-Rochefort, Saint-Léger-sur-Roanne, Saint-Marcel-de-Félines, Saint-Marcellin-en-Forez, Saint-Martin-la-Plaine, Saint-Martin-la-Sauveté, Saint-Michel-sur-Rhône, Saint-Nizier-sous-Charlieu, Saint-Paul-d'Uzore, Saint-Pierre-de-Boeuf, Saint-Pierre-la-Noaille, Saint-Polgues, Saint-Priest-la-Roche, Saint-Romain-la-Motte, Saint-Romain-le-Puy, Saint-Sixte, Saint-Thomas-la-Garde, Saint-Vincent-de-Boisset, Sainte-Agathe-en-Donzy, Sainte-Agathe-la-Bouteresse, Sainte-Colombe-sur-Gand, Sainte-Foy-Saint-Sulpice, Sauvain, Savigneux, Soleymieux, Souternon, Sury-le-Comtal, Tartaras, Trelins, Unias, Veauche, Veauchette, Vendranges, Véranne, Vérin, Verrières-en-Forez, Vézelin-sur-Loire, Villemontais, Villerest, Villers, Violay and Vougy.

Department of Rhône: 92 municipalities

Municipalities included in their entirety:

Alix, Ampuis, Anse, L'Arbresle, Les Ardillats, Arnas, Bagnols, Beaujeu, Belleville-en-Beaujolais, Belmont-d'Azergues, Blacé, Le Breuil, Bully, Cercié, Chabanière, Chambost-Allières, Chamelet, Charentay, Charnay, Châtillon, Chazay-d'Azergues, Chénas, Chessy, Chiroubles, Cogny, Condrieu, Corcelles-en-Beaujolais, Denicé, Échalas, Émeringes, Fleurie, Frontenas, Gleizé, Les Haies, Juliénas, Jullié, Lacenas, Lachassagne, Lancié, Lantignié, Légny, Létra, Limas, Loire-sur-Rhône, Longes, Lozanne, Lucenay, Marchampt, Marcy, Moiré, Montmelas-Saint-Sorlin, Morancé, Odenas, Le Perréon, Pommiers, Porte des Pierres Dorées, Quincié-en-Beaujolais, Régnié-Durette, Rivolet, Rontalon, Saint-Clément-sur-Valsonne, Saint-Cyr-le-Chatoux, Saint-Cyr-sur-le-Rhône, Saint-Didier-sur-Beaujeu, Saint-Etienne-des-Oullières, Saint-Etienne-la-Varenne, Saint-Georges-de-Reneins, Saint-Germain-Nuelles, Saint-Jean-des-Vignes, Saint-

Julien, Saint-Just-d'Avray, Saint-Lager, Saint-Romain-de-Popey, Saint-Romain-en-Gal, Saint-Vérand, Sainte-Colombe, Sainte-Paule, Salles-Arbuissonnas-en-Beaujolais, Sarcey, Soucieu-en-Jarrest, Ternand, Theizé, Trèves, Tupin-et-Semons, Val d'Oingt, Vaux-en-Beaujolais, Vauxrenard, Vernay, Ville-sur-Jarnioux and Villié-Morgon.

Municipalities included in part only:

Vindry-sur-Turdine: the part corresponding to territory of the former municipalities of Dareizé, Les Olmes and Saint-Loup.

Beauvallon: the part corresponding to territory of the former municipality of Saint-Jean-de-Touslas.

Department of Saône-et-Loire: 11 municipalities

Chaintré, Châtes, La Chapelle-de-Guinchay, Chasselas, Crêches-sur-Saône, Leynes, Pruzilly, Romanèche-Thorins, Saint-Amour-Bellevue, Saint-Symphorien-d'Ancelles and Saint-Vérand.

Department of Savoie: 165 municipalities

Aiguebelette-le-Lac, Aiton, Aix-les-Bains, Albertville, Allondaz, Apremont, Arbin, Argentine, Arvillard, Avressieux, Ayn, La Balme, Barberaz, Barby, Bassens, La Bâthie, Belmont-Tramonet, Betton-Bettonet, Billième, La Biolle, Bonvillard, Bonvillaret, Bourdeau, Le Bourget-du-Lac, Bourget-en-Huile, Bourgneuf, La Bridoire, Brison-Saint-Innocent, Césarches, Cevins, Challes-les-Eaux, Chambéry, Chamousset, Chamoux-sur-Gelon, Champ-Laurent, Champagneux, Chanaz, La Chapelle-Blanche, La Chapelle-du-Mont-du-Chat, La Chapelle-Saint-Martin, Châteauneuf, La Chavanne, Chignin, Chindrieux, Cléry, Cognin, Coise-Saint-Jean-Pied-Gauthier, Conjux, La Croix-de-la-Rochette, Cruet, Curienne, Les Déserts, Détrier, Domessin, Drumettaz-Clarafond, Dullin, Entrelacs, Épierre, Esserts-Blay, Fréterive, Frontenex, Gerbaix, Gilly-sur-Isère, Grésy-sur-Aix, Grésy-sur-Isère, Grignon, Hauteville, Jacob-Bellecombette, Jongieux, Laissaud, Lépin-le-Lac, Loisieux, Lucey, Marcieux, Mercury, Méry, Meyrieux-Trouet, Les Mollettes, Montagnole, Montailleur, Montcel, Montendry, Montgilbert, Monthion, Montmélian, Montsapey, La Motte-Servolex, Motz, Mouxy, Myans, Nances, Notre-Dame-des-Millières, Novalaise, Ontex, Pallud, Planaise, Plancherine, Le Pont-de-Beauvoisin, Le Pontet, Porte-de-Savoie, Presle, Pugny-Chatenod, Puygros, La Ravoire, Rochefort, Rognaix, Rotherens, Ruffieux, Saint-Alban-d'Hurtières, Saint-Alban-de-Montbel, Saint-Alban-Leysse, Saint-Baldoph, Saint-Béron, Saint-Cassin, Saint-Genix-les-Villages, Saint-Georges-d'Hurtières, Saint-Jean-d'Arvey, Saint-Jean-de-Chevelu, Saint-Jean-de-la-Porte, Saint-Jeoire-Prieuré, Saint-Léger, Saint-Offenge, Saint-Ours, Saint-Paul, Saint-Paul-sur-Isère, Saint-Pierre-d'Albigny, Saint-Pierre-d'Alvey, Saint-Pierre-de-Belleville, Saint-Pierre-de-Curtille, Saint-Pierre-de-Soucy, Saint-Sulpice, Saint-Vital, Sainte-Hélène-du-Lac, Sainte-Hélène-sur-Isère, Sainte-Marie-d'Alvey, Serrières-en-Chautagne, Sonnaz, La Table, Thénésol, Thoiry, La Thuile, Tournon, Tours-en-Savoie, Traize, Tresserve, Trévignin, La Trinité, Val-d'Arc, Valgelon-La Rochette, Venthon, Verel-de-Montbel, Verel-Pragondran, Le Verneil, Verrens-Arvey, Verthemex, Villard-d'Héry, Villard-Léger, Villard-Sallet, Villaroux, Vimines, Vions, Viviers-du-Lac, Voglans and Yenne.

The department of Haute-Savoie: 121 municipalities

Allinges, Allonzier-la-Caille, Ambilly, Andilly, Annemasse, Anthy-sur-Léman, Archamps, Armoy, Arthaz-Pont-Notre-Dame, Ayse, Ballaison, Bassy, Beaumont, Bellevaux, Bernex, Bonne, Bonneville, Bons-en-Chablais, Bossey, Brenthonne, Brizon, Cercier, Cernex, Cervens, Challonges, Champanges, Chaumont, Chavannaz, Chêne-en-Semine, Chênex, Chens-sur-Léman, Chessenaz, Chevrier, Chilly, Clarafond-Arcine, Clermont, Collonges-sous-Salève, Contamine-Sarzin, Contamine-sur-Arve, Copponex, Cranves-Sales, Cruseilles, Desingy, Dingy-en-Vuache, Douvaine, Draillant, Droisy, Éloise, Étrembières, Évian-les-Bains, Excenevex, Faucigny, Feigères, Fessy, Féternes, Franclens, Frangy, Gaillard, Glières-Val-de-Borne, Jonzier-Épagny, Juvigny, Larringes, Loisin, Lucinges, Lugrin, Lullin, Lully, Lyaud, Machilly, Marcellaz, Margencel, Marignier, Marin, Marlioz, Massongy, Maxilly-sur-Léman, Meillerie, Menthonnex-en-Bornes, Menthonnex-sous-Clermont, Messery, Minzier, Mont-Saxonnex, Musièges, Nernier, Neuvecelle, Neydens, Novel, Orcier, Peillonnex, Perrignier, Présilly, Publier, Reyvroz, Saint-Blaise, Saint-Cergues, Saint-Germain-sur-Rhône, Saint-Gingolph, Saint-Julien-en-Genevois, Saint-Paul-en-Chablais, Le Sappey, Savigny, Sciez, Seyssel, Thollon-les-Mémises, Thonon-les-Bains, Thyez, Usinens, Vailly, Valleiry, Vanzy, Veigy-Foncenex, Vers, Vétraz-Monthoux, Ville-la-Grand, Villy-le-Bouveret, Vinzier, Viry, Vougy, Vovray-en-Bornes, Vulbens and Yvoire.

7. **Main grape variety (varieties)**

Alicante Henri Bouschet N

Aligoté B

Alphonse Lavallée N

Aléatico N

Aramon N

Aramon Blanc B

Aramon Gris G

Aranel B

Arinarnoa N

Aubun N - Murescola

Barbaroux Rs

Biancu Gentile B

Bourboulenc B - Doucillon Blanc

Brun Argenté N - Vaccarèse

Cabernet Franc N

Cabernet Sauvignon N

Caladoc N

Calitor N

Carignan N

Carignan Blanc B

Chambourcin N

Chardonnay B

Chasan B

Chasselas B

Clairette Rose Rs

Chatus N

Chenanson N

Chenin B

Cinsaut N - Cinsault

Clairette B

Clairette Rose Rs

Clarin B

Colombard B

Côt N – Malbec

Couderc Noir N

Counoise N

Egiodola N

Gamaret

Gamay Fréaux N

Gamay N

Gamay de Bouze N

Gamay de Chaudenay N

Ganson N

Gewurztraminer Rs

Gramon N

Grenache N

Grenache Blanc B

Grenache Gris G

Gros Manseng B

Jurançon Noir N - Dame Noire

Listan B - Palomino

Lledoner Pelut N

Macabeu B - Macabeo

Marsanne B

Marselan N

Mauzac Rose Rs

Melon B

Merlot N

Merlot Blanc B

Meunier N

Mollard N

Mondeuse N

Mondeuse Blanche B

Monerac N

Montils B

Morrastel N - Minustellu, Graciano

Mourvaison N

Mourvèdre N - Monastrell

Mouyssaguès

Muresconu N - Morescono

Muscadelle B

Muscardin N

Muscat Ottonel B - Muscat, Moscato

Muscat Cendré B - Muscat, Moscato

Muscat d'Alexandrie B - Muscat, Moscato

Muscat de Hambourg N - Muscat, Moscato

Muscat à Petits Grains Blancs B - Muscat, Moscato

Muscat à Petits Grains Roses Rs - Muscat, Moscato

Muscat à Petits Grains Rouges Rg - Muscat, Moscato

Müller-Thurgau B

Nielluccio N - Nielluciu

Noir Fleurien N

Négret de Banhars N

Négrette N

Oberlin Noir N

Ondenc B

Orbois B

Pagadebiti B

Pascal B

Perdea B

Persan N

Petit Courbu B
Petit Manseng B
Petit Meslier B
Petit Verdot N
Picardan B - Araignan
Pineau d'Aunis N
Pinot Blanc B
Pinot Gris G
Pinot Noir N
Piquepoul Blanc B
Piquepoul Gris G
Piquepoul Noir N
Plant de Brunel N
Plant Droit N - Espanenc
Plantet N
Portan N
Portugais Bleu N
Poulsard N - Ploussard
Prunelard N
Précoce Bousquet B
Précoce de Malingre B
Raffiat de Moncade B
Ravat Blanc B
Rayon d'Or B
Riesling B
Riminèse B
Rivairenc N - Aspiran Noir
Rivairenc Blanc B - Aspiran Blanc
Rivairenc Gris G - Aspiran gris
Romorantin B - Danery
Rosé du Var Rs
Roublot B
Roussanne B
Roussette d'Ayze B
Rubilande Rs
Sacy B
Saint Côme B
Saint-Macaire N
Saint-Pierre Doré B
Sauvignon B - Sauvignon Blanc
Sauvignon Gris G - Fié Gris
Savagnin Blanc B
Savagnin Rose Rs
Sciaccarello N

Segalin N

Seinoir N

Select B

Semebat N

Sémillon B

Servanin N

Seyval B

Sylvaner B

Syrah N - Shiraz

Tannat N

Tempranillo N

Terret Blanc B

Terret Gris G

Terret Noir N

Tibouren N

Tourbat B

Tressot N

Trousseau N

Téoulier N

Ugni Blanc B

Valdiguié N

Valérien B

Varousset N

Velteliner Rouge Précoce Rs

Verdesse B

Vermentino B - Rolle

Villard Blanc B

Villard Noir N

Viognier B

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

8.1. *Specificity of the geographical area*

The Comtés Rhodaniens PGI covers nine departments in the territory of the former Rhône-Alpes region, a well-known wine-growing region. The departments are: Ain, Ardèche, Drôme, Isère, Loire, Rhône, Savoie, Haute-Savoie and Saône-et-Loire. In Ardèche, the vineyards of the Comtés Rhodaniens PGI are mainly located in the southern half of the department and in the Rhône Corridor. The climate here is verging on Mediterranean, with mild temperatures in winter. The area is especially windy. The Mistral blows from the north-east, and the Vent du Midi from the south, along with the west winds that carry moisture. The soils are rich and fertile. They are stony, formed of marly limestone, with clay beds, which preserves the water network. The department of Drôme, also located in the valley of the Rhône, can be divided into two parts: the pre-Alpine massifs, and the Rhône depression. Vines are grown practically everywhere throughout the territory, but especially on foothills and slopes. The soils are mainly clay and limestone in origin. The climate in Drôme is continental to the north, with increasing Mediterranean influences moving southwards, and notable effects from the mountains.

Further north, the Rhône department borders the departments of Ain, Isère, Loire and Saône-et-Loire. The landscape is formed of the mid-sized mountains of the Monts du Beaujolais to the north, and Monts du Lyonnais to the south, bordered to the east by the Saône plain and the valley of the Rhône, close to Lyon. North of the Rhône, the rock is granitic, composed of clay and sandy soils of varying acidity. The variety Gamay N is mainly planted on these soils, which are able to tame its vigour. To the south of the Nizerand river, there are limestone slopes with some schist. The

wines here are more elegant. The climate of the Rhône department, like the rest of the region, is semi-continental with varying influences of Mediterranean, continental and maritime climates. Winters are quite harsh with, sometimes heavy, frosts and occasional snowfall. Summers are warm and sunny. It is often windy. The Mistral can generally be felt, blowing from the north of the valley of the Rhône. The south wind often blows, sometimes strongly, heralding storms from the south-west.

Around this area formed by the Ardèche, Drôme and Rhône departments, the stronghold of 'Comtés Rhodaniens' offers greater individuality at the heart of the department of Isère. The area can be divided into certain sub-areas:

— the Grésivaudan Valley, a section of the Sillon Alpin valley to the north-east of Grenoble in the direction of Chambéry, stretching from Meylan to the municipality of Chapareillan at the edge of the department of Savoie. The vines are planted on slopes with a south-east aspect, on limestone scree, in the foothills of the Chartreuse massif.

— Trièves, situated south of Grenoble, between the massifs of Vercors to the west, and Dévoluy and Ecrins to the east, marking the southern end of the Sillon Alpin. It is a territory of mid-sized mountains, between 500 and 1 200 metres altitude, formed of steep slopes worked into terraces. These are situated in the natural amphitheatres overlooking the meandering Drac river and on the sides of the Ébron valley, on steep slopes and with a south-west aspect.

— the area to the north-east of Bourgoin-Jallieu, between the municipalities of Crémieu and La Tour-du-Pin, a series of parallel depressions lying east-to-west, offers magnificent slopes, south-facing, with a favourable microclimate. These are the molasse hills of Bas-Dauphiné, an area of Jurassic limestone plateaux (Isle de Crémieu plateau).

Isère is relatively protected from the cold east winds by the Alpine massif, and from Atlantic influences by the Massif Central. The area enjoys a climate that is both mild and variable, but without extremes. After a cold and misty winter, the hot dry summer allows the vine to compensate for the slow growth often observed in early spring. The 'Comtés Rhodaniens' PGI extends to the departments of Savoie and Haute-Savoie, and to the canton of Seyssel in Ain. The climate is subject both to maritime influences and to continental and southern influences.

This is because the geographical area extends from the Rhône river valley to the Alps. The area is characterised by a climate of reduced continentality, while at the same time benefitting from maritime influences, with the west winds bringing moisture and more moderate temperature ranges and, further south, from the southern influences of mildness and sunshine. Vines planted on foothills and slopes in particular benefit from these climate variations. The soils are mainly clay and limestone sediment in origin, with some patches of clay and gravel, allowing different grape varieties to be planted.

8.2. *Specificity of the product*

The first written record of the existence of vines in the area dates back 2 000 years, to the Natural History of Pliny the Elder. Historians have shown that, between the second and fifth centuries, there was a significant trade in wine, transported by the Rhône via Vienna (Vienne) and Lugdunum (Lyon) towards the markets of the north. In the Middle Ages, control of the trade passed from the Romans to the Catholic Church. At that time, vines were grown on territories belonging to dioceses, sometimes within cathedral cities such as Vienne, Lyon, Valence and Grenoble. Similarly, abbeys were also wine-growing estates.

Up to the end of the 19th century, the growth of the vineyards mirrored that of the population, of trade and of cities, peaking at 200 000 hectares of vines in 1870. The wine-growing economy varied according to area, foreshadowing the situation today. There are large aristocratic estates co-existing alongside the assets of the Lyon bourgeoisie in Beaujolais; a rural viticulture of small and medium-sized owners prevalent in Bugey and Savoie, as far as Drôme and southern Ardèche; and enterprising business people creating islands of excellence in the valley of the Rhône.

As expertise developed, so did quality. The work of the winegrowers gradually formed these landscapes that we know today.

Wines with the protected geographical indication 'Comtés Rhodaniens' may be made from blends of varieties deeply rooted in the region's history. These include Viognier B, Marsanne B, Roussanne B, Syrah N, Gamay N, Pinot N and also other varieties from outside the region such as Chardonnay B and Merlot N.

The special character of the product is therefore a result of a particular requirement to be able to produce and provide mainly single-variety wines, but also wines made from blends of varieties that can satisfy consumers:

— the white wines are characterised by the harmonious combination of freshness, fruity or floral notes and even minerality depending on the variety;

— the taste of the grape, of fresh red fruit, is preserved so that the red wines express their young character;

— the light and lively rosé wines are made with the help of technology for regulating temperatures, allowing the primary, fruity aromas to be preserved.

8.3. *Causal link between the specificity of the geographical area and the specificity of the product*

The causal link is based on the impact of the regional climate and soil types on the production of rather fresh, supple and fruity wines.

The basis of 'vin de pays des Comtés Rhodaniens' is, above all, history. This has brought together people and their expertise since antiquity. Especially important is the history of relationships between wine-growing and agriculture, originally forged between Drôme and Ardèche and, more recently, with Rhône and other departments of the area.

In this area of the valley of the Rhône, the traditions of wine-growing and arboriculture have created an economy that truly encompasses the whole region. This 'mid-Rhône country' culture finds its perfect expression in the 'Comtés Rhodaniens' PGI. Moreover, it is not entirely a coincidence that the first export markets were created to Switzerland, which is itself close to the valley of the Rhône.

The Rhône-Alpes region is famous for wine-growing, its reputation shared by its PDO wines, and its products denoted by protected geographical indication, traditionally known as 'vins de pays' (country wines).

At the heart of this region, production of wines termed 'vin de pays' was originally based on local products: PGI 'Drôme', PGI 'Collines Rhodaniennes', PGI 'Coteaux du Grésivaudan', PGI 'Isère', PGI 'Vins des Allobroges' and PGI 'Ardèche'. These products increased the reputation of the regional 'vin de pays', 'Comtés Rhodaniens', which was recognised in 1989, leading to the 'Comtés Rhodaniens' PGI.

The 'Comtés Rhodaniens' PGI is therefore a broad geographical entity, covering nine departments. The heart of the production area, however, is mainly concentrated in the departments of Ardèche, Drôme and Rhône.

Understanding of the natural environment has long enabled producers to manage the vines and their production so that they achieve optimum potential.

In the geographical area of the Comtés Rhodaniens PGI, the soils have been created by geological events occurring over time. They are largely clay and limestone, well-drained and conducive to growing vines on foothills and slopes, and to producing wines with primary aromas of the various grape varieties planted.

This area is also characterised by its climate of reduced continentality with Mediterranean influences to the south. During summer, hot days alternate with cooler nights, allowing the regional and non-regional varieties to ripen fully while preserving their suppleness, freshness and fruitiness.

These wines have a mid-Rhône character. They are regularly entered in competitions, such as the Concours Général Agricole, where they obtain distinctions. They are mentioned in the *Guide Hachette des Vins* and are present at festivals and tourist sites: in the wine-growing villages; in the cities of the region, Lyon and Valence; and more widely in the south-east of France at the wine festival 'Festival Hors les Vignes' in Marseille, which brings together wines, chefs and artists.

9. **Essential further conditions**

Legal framework

National legislation

Type of further condition

Additional provisions relating to labelling

Description of the condition

The ‘Comtés Rhodaniens’ PGI may be supplemented by the name of one or more grape varieties.

The European Union PGI logo must appear on the label if the words ‘Indication géographique protégée’ (protected geographical indication) are replaced by the traditional term ‘Vin de Pays’.

Link to the product specification

http://info.agriculture.gouv.fr/gedei/site/bo-agri/document_administratif-8b3ff145-7894-405a-a562-1b4863a7bf16

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 286/13)

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 *e*Ambrosia database.

SINGLE DOCUMENT

'IDIAZABAL'

EU No.: PDO-ES-0082-AM02-16.2.2021

PDO (X) PGI

1. **Name**

'Idiazabal'

2. **Member State or Third Country**

Spain

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

3.1. *Type of product*

Class 1.3. Cheeses

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

'Idiazabal' cheese is a pressed, uncooked cheese made exclusively from raw sheep's milk from the Latxa and Carranzana breeds and matured for at least 60 days. The cheese has the following characteristics: weight between a minimum of 1 kg and a maximum of 3,5 kg, height between a minimum of 8 cm and a maximum of 12 cm and diameter between a minimum of 10 cm and a maximum of 30 cm. A tolerance of ±10 % shall be allowed for each of these characteristics. The cheese may also be smoked.

No substances may be added to the milk other than dairy ferments, lysozyme, rennet and salt.

The cheese is cylindrical in shape, with a smooth, hard rind that is pale yellow in colour, or dark brown in the case of smoked cheese. The surface (colour and holes of the paste) is homogeneous, ranging from ivory to straw-yellow in colour, with a few small, irregularly-shaped holes. The texture of the cheese is rather elastic and firm, with a certain graininess. As far as aroma and taste are concerned, it typically has a strong aroma of sheep's milk and rennet, and a taste which is balanced and intense on the palate, with delicate spicy, acid and, where relevant, smoky notes. Its strong aroma remains for a long time after the cheese has been swallowed.

Its fat content must not be less than 45 % in dry matter; total protein must be at least 25 % in dry matter and the dry matter itself must be a minimum of 55 %. The pH of the product must be between 4,9 and 5,5.

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

Feed: the Latxa and Carranzana breeds of sheep are normally put out to graze almost all year round. The flocks are moved periodically between the valley floors and the upper slopes of the mountains, depending on the season. Since they live practically the whole year in a natural environment, the sheep basically feed on spontaneous vegetation in the woods lower down the slopes in winter, and in the high grasslands in summer. They are fed in the fold when conditions in the grasslands are difficult or when this is recommended for a number of physiological reasons (lactation).

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

Raw materials: raw sheep's milk from the Latxa and Carranzana breeds produced in the defined geographical area.

No substances may be added to the milk other than dairy ferments, lysozyme, rennet and salt.

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

The milk production, cheese-making and maturing stages must take place in the defined geographical area, i.e. all of the steps in production must take place within its boundaries.

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

'Idiazabal' cheese may be presented for sale whole or in wedges (portions).

Packaging of 'Idiazabal' cheese or portions thereof, as applicable, must always be carried out following the cheese's minimum maturing period of 60 days.

The cheese may only be cut into portions and, where applicable, packaged in the defined geographical area. There are two reasons for this.

Firstly, when the cheese is cut, at least two sides of the wedges lose the protective rind. Thus, in order to maintain the organoleptic characteristics, when 'Idiazabal' cheese is made available in portion form, the wedges must be packaged very shortly after being cut.

Secondly, a consequence of cutting into portions may be that the identifiers of the authenticity and origin of the product disappear or are no longer visible. It must therefore be cut into portions and packaged at source to ensure that the authenticity of the product in portion form is not compromised.

By way of derogation from the above, 'Idiazabal' cheese may be cut into portions in retail outlets provided that this is done in front of the consumer at the time of sale.

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

'Idiazabal' cheese must carry the following identifiers:

— A casein label with a unique serial number must be affixed to each cheese in the moulding or pressing stage. The label shall be supplied by the managing body.

— The labels used to market the cheese must include the name and logo of the Protected Designation of Origin.

  For cheeses made exclusively with milk from the same holding, the words '*baserrikoa — de caserío*' [from the farmstead] may be added to the 'Idiazabal' PDO logo.

— The labels used for the cheese, whether left whole or cut into wedges, must be affixed at dairies entered on the PDO Registers, in accordance with Spanish law.

— The cheese must carry a secondary label, each with its own serial number, codified according to the size and format of the cheese being certified. The secondary label must contain the name 'Idiazabal' and the logo of the Protected Designation of Origin. The secondary labels shall be supplied and checked by the managing body and shall be made available on a non-discriminatory basis to all requesting operators that meet the terms of the specification.

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

The geographical area includes the natural environments of the Latxa and Carranzana breeds of sheep in Álava, Vizcaya, Guipúzcoa and Navarre, excluding the municipalities of the Roncal valley. The production area lies in the north of the Iberian Peninsula, between 43º 27' and 41º 54' North, and 1º 05' and 3º 37' West, based on the Greenwich Meridian.

5. **Link with the geographical area**

Specific features of the geographical area:

There is evidence in this area of sheep farming with the Latxa and Carranzana breeds since around 2200 BC. The specific characteristics of the area are essential to the correct development and management of these breeds as they have adapted to this area after so many years. The production area is a complex mountainous region of rough and uneven terrain, which makes communication difficult. This has contributed to the continued existence of sheep farming in many of the valleys and uplands. The soils are rich in basic and other nutrients, with the eroding effects attenuated by the natural features of the rock, and on occasions by the presence of carbonate rock in the soil profile, which makes for excellent pasture land. The topographical features of the area lead to a varied climate ranging from Atlantic to Mediterranean, with transitional zones caused by the barrier effect of the mountain ranges. The network of water courses is extensive and rich, given that there are many hills and mountains and abundant rainfall. There are two catchment basins: the Cantabrian, into which flows water from Vizcaya, Guipúzcoa and the northern valleys of Álava and Navarre; and the Mediterranean, which takes in Álava, Navarra Media and La Ribera. As regards flora, there are many natural meadows and grasslands. The favourable climatic and soil conditions have encouraged the growth of hygrophilous and sub-hygrophilous plants typical of the maritime climate in the Basque Country and northern Navarre.

Specificity of the product:

'Idiazabal' cheese has distinctive sensory characteristics that set it apart from other cheeses. These can be experienced in the product's wealth of nuances of aroma and taste; it also has a very low to medium elasticity and graininess, and medium to high levels of firmness. The cheese has an intense taste which stays long on the palate, with a perfect balance between the milky aromas, rennet and 'roasted' smell that are its fundamental sensory characteristics, and which are complemented by a vast number of nuances of taste and smell that give the cheese real personality.

Causal link between the geographical area and the specific character of the product:

The specific characteristics of the milk used to make 'Idiazabal' cheese are essentially due to the authorised breeds from which it is obtained (Latxa and Carranzana). The adaptation of these sheep to the defined geographical area and the historical link between the environment, the sheep and the shepherds, creates a permanent bond that goes a long way to explaining the specific characteristics of 'Idiazabal' cheese. Latxa and Carranzana are breeds of sheep that are very well suited to providing milk, are hardy and adapted to the mountains, and are at one with the Basque sheep-farming culture, the topography and the eco-friendly nature of their habitat.

Moreover, the reason why all of these characteristics linked to the natural environment, which change with the seasons, types of pasture, climate, etc., find their expression in 'Idiazabal' cheese is because it is made with raw milk that is not heat-treated. Heating the milk would cancel out or diminish the sensory nuances that make the product so distinctive and link it to the longstanding traditions in the area.

Reference to publication of the specification

https://www.mapa.gob.es/es/alimentacion/temas/calidad-diferenciada/dop-igp/htm/DOP-Idiazabal-modificacion-menor.aspx

Publication of an application for registration of a name pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(2022/C 286/14)

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

SINGLE DOCUMENT

'Lumblija'

EU No: PGI-HR-02809 – 28.10.2020

PDO ( ) PGI (X)

1. **Name(s) [of PDO or PGI]**

'Lumblija'

2. **Member State or Third Country**

Croatia

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

3.1. *Type of product*

Class 2.3. Bread, pastry, cakes, confectionery and other baker's wares

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

'Lumblija' is a round-shaped sweet bread made by baking leavened dough. On the outside, it is a dark-brown colour, coated with varenik [a syrup made from grape must] or brandy and sprinkled with sugar. It has an aromatic smell of the spices added – cinnamon, cloves, nutmeg, coriander and anise. It has a characteristic and full nutty-fruity taste which derives from the raw materials used to prepare it – almonds, walnuts, raisins, varenik and citrus fruits – and an aroma of the spices added, and is harmonious.

The texture on the inside is compact but soft, with small pieces of raisins, almonds and walnuts visible in the cross-section, while the outer texture has a firm consistency.

One 'Lumblija' weighs 350–600 g.

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

The following raw materials are used to make 'Lumblija': smooth wheat flour, sugar, olive oil, lard or butter, varenik, almonds, walnuts, raisins, ground cloves, cinnamon, nutmeg, coriander, anise, lemon and orange peel, vanilla sugar, brandy (rose or herb flavoured (travarica)), baker's yeast (fresh or dry), milk, water and salt to make the dough. Ground carob may be added when making the dough.

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

The preparation of the dough and the baking of 'Lumblija' are production stages that must take place in the geographical area defined in point 4.

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

'Lumblija' is sold whole, unsliced.

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

Packaging must take place in the geographical area defined in point 4 in order to preserve the specific organoleptic characteristics and quality of the product, which might be damaged during transport. To preserve its freshness and prepare it for further transport, 'Lumblija' is placed in paper or plastic packaging (cellophane). To protect against mechanical damage, it may be placed in suitable boxes.

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

When the product is placed on the market, the product name 'Lumblija' must stand out more clearly than any other inscription in terms of font size and type.

4. Concise definition of the geographical area

The area of production of 'Lumblija', from the preparation of the dough to baking, covers the entire island of Korčula, which includes the cadastral municipalities of Vela Luka, Blato, Smokvica, Čara, Račišće, Pupnat, Žrnovo, Korčula and Lumbarda.

5. Link with the geographical area

The causal link between 'Lumblija' and the defined geographical area is based on the reputation of the product and the preparation method, which uses a traditional recipe preserved to this day.

Thanks to its unusually large fertile land area by Dalmatian standards, agriculture became the mainstay of the economy and the main source of wealth in the commune of Korčula in the Middle Ages. In addition to the growing of vines and olives to produce grapes, *varenik* and olive oil, the local inhabitants also engaged in fruit growing (figs, almonds, walnuts and citrus fruits) and the production of grain to make flour, all of which were original ingredients of 'Lumblija', the sweet bread prepared on the island of Korčula. An important ingredient in the production of 'Lumblija' that is based on an ancient tradition of vine growing is *varenik* – a reduced grape juice which, before the advent of industrial white sugar, was an important sweetener and was used in the production of 'Lumblija'. Until the advent of industrial raisin production (drying machines), raisins produced in households that had several vines of seedless grape varieties in their vineyards were also used to make 'Lumblija'.

The traditional sweet bread 'Lumblija' is prepared on the eve of All Saints' Day, exclusively on the island of Korčula, especially around the towns of Vela Luka, Blato and Smokvica, but more recently in other parts of the island as well. This holiday was first celebrated in the 4th century, at the time of the Roman Empire. One of the ways of marking All Saints' Day has been preserved on the island of Korčula: the custom of exchanging gifts known as *kol(e)inde*. In olden days, housewives would prepare a special gift consisting of the sweet bread 'Lumblija' and autumn fruits and nuts such as dried figs, almonds, citrus fruits and grapes, which children would offer to their godparents and members of their extended family. Blato on the island of Korčula has had an All Saints parish church since the 14th century, so the centuries-old tradition and custom of preparing 'Lumblija' for All Saints' Day have been preserved to this day. The traditional production method and recipe for 'Lumblija' also survive to this day.

From time immemorial, 'Lumblija' had been baked according to a traditional recipe by housewives from the island of Korčula. The recipe alone was not sufficient, however; also important were skill and experience in preparing the sweet bread and knowing how to determine and achieve the ideal ratio of necessary ingredients. Similarly, at a time when fires were stoked in ovens, it was essential to know how to achieve the right temperature for baking. Skill and experience were required to mix the dough by hand and to estimate the time needed for the dough to rise and the baking time. The art to making 'Lumblija' is to bake it until it is well done, but juicy and not dry. The traditional recipe used by the women of the island of Korčula to prepare 'Lumblija' has been passed down the generations and preserved to this day, with two well-established methods for preparing 'Lumblija', depending on the part of the island.

'Lumblija' is produced in the traditional way, according to a traditional recipe handed down from generation to generation by word of mouth on the island of Korčula.

There are two established, traditional ways to prepare and bake 'Lumblija'. The first is to prepare the dough with the ingredients using 1 kg of flour, the second to prepare the dough using 3 kg of flour. Similarly, when mixing and shaping the dough under traditional method 1 (using 1 kg of flour), the entire amount of the yeast is added to the dough immediately as an ingredient, and the dough is left to double in size, whereas under traditional method 2 (using 3 kg of flour), one part of the yeast is added at a later stage, after the dough has doubled in size for the first time with the other part of the yeast. Moreover, traditional method 1 does not use ground carob as an ingredient,

whereas carob is added as one of the ingredients according to traditional method 2. Finally, anise grains are added directly to the dough as an ingredient under traditional method 1, whereas anise grains are dissolved in lukewarm water under traditional method 2.

'Lumblija' is a unique product not only in terms of the large number of ingredients needed to make it, but also the extensive method of pre-preparation of many of the ingredients added to the dough, and the preparation of the dough itself. That is what sets the preparation of 'Lumblija' apart from the usual stages of preparation of similar products. The variety, fullness and richness of the ingredients and the weight of all those ingredients throughout the preparation process (e.g. the raisins soaked in *varenik*, the defined amount of fat, especially olive oil, the defined quantity of nuts, the defined amount of sugar, and the *varenik* itself, which has a distinct structure and density) make it hard for the dough to rise quickly and easily. Due to the weight of the added ingredients, the rising of the dough occurs several times and lasts much longer than for similar products (it is recommended that the dough be left to rise from the evening to the morning). As a result, 'Lumblija' takes a particularly long time to make, but that is what gives the finished product its distinctive characteristics: its compact but soft texture greatly enriched in the cross-section with nuts and raisins, a characteristic nutty-fruity taste, and a rich and full aroma obtained by carefully combining the added spices in the correct proportions. 'Lumblija' is a product of the economic wealth and variety of quality raw materials of the island of Korčula, and is distinctive in terms of the recipe and numerous ingredients from which it is prepared. It is those same ingredients that give 'Lumblija' its distinctively aromatic, nutty-fruity taste and smell, and the skill involved in preparing the product that accounts for its specific compact texture on the inside.

Many islanders have published different variations of the traditional recipe and production method for 'Lumblija' in culinary books (F. Mandić, *Luškajića i pića*, 2009, pp. 244-245; Kaštropil-Culić, 1995, *Blatska trpeza*, p. 134). The inextricable link between the preparation of 'Lumblija' and the traditions of the island of Korčula is also demonstrated by the 2012 publication *Zapisi Danijela Kneževića* and a 2016 book by Frank Mirošević entitled *Povjerenje ili zaborav*, in which the author describes how difficult it is to prepare 'Lumblija' (F. Mirošević Dubaj, 2016, *Povjerenje ili zaborav*, p. 11).

The first written evidence of the name 'Lumblija' appeared in the publication *Slovinac* in 1881, where in an article entitled *Nekoliko riječi u čakavštini*, the author S. Castrapelli describes 'Lumblija' as '*a sweet bread made from flour, varenik, saffron and cinnamon, which is baked around All Saints' Day*' (S. Castrapelli, *9 Slovinac* No 20, 1881, *Nekoliko riječi u čakavštini*, pp. 418–419).

The course of history has provided an additional reason for preserving the tradition of preparing 'Lumblija'. The numerous emigrants who were forced to leave the island could use it for food on their long journeys by ship, making 'Lumblija' not just an everyday snack, but also a link to their homeland, preserving its fresh taste and smell long after it was removed from the ovens of the islands' housewives. The project '4 islands/4 places/4 recipes' was designed in connection with the wave of emigration in the early 20th century. It connects and presents four traditional dishes from four places that experienced large-scale emigration during that period. Korčula participated in the project with 'Lumblija', as reported on by HRT (Croatian Radio-Television) in the magazine programme *Priče iz Hrvatske* in October 2018.

Several events are held on the island of Korčula that clearly indicate the reputation 'Lumblija' enjoys, as well as nurturing the tradition and custom of preparing the traditional sweet bread, starting with the very first *Kućna zabava* [house party] of the Kumpanija Society of Knights in Blato. The statutes of the Kumpanija Society of Knights, which was founded in 1927, refer to its '*mission to nurture and produce Lumblija*'. The Society regularly organises 'house parties', which are evening events showcasing Blato's food (known locally as *spiza*) and desserts, which guests help organise by bringing typical dishes from Blato. These events are traditionally held on the first Friday in February, and records of those events regularly mention 'Lumblija' as a dish that is brought along (Archive of the Kumpanjija Society of Knights, 1956, 1972, 1974, 1985).Not only does the tradition of making 'Lumblija' survive to this day among the island's households, but 'Lumblija'-baking competitions are even held on Korčula, especially in the west of the island, as are tasting events and introductions to the area's traditional gastronomy, while workshops on how to make 'Lumblija' are held in kindergartens, primary and secondary schools, and homes for pensioners and adults, as are workshops for members of the island's various associations. A 'Lumblija'-blessing and tasting event dates back 25 years and is held on the last Sunday in October, when 'Lumblija' prepared by the students of Blato secondary school under the guidance of their teachers and parents is blessed and tasted on the Plokata square in Blato.

Various events held outside the island of Korčula demonstrate the reputation of 'Lumblija'. For example, 'Lumblija' was presented to numerous Croatian and foreign visitors at the Good Food Festival organised by the City of Dubrovnik Tourist Board in 2016.

Also in 2016, at the Noćnjak, an international event held in Bol on the island of Brač that brings together olive and oil producers, 'Lumblija' won the award for best food product.

'Lumblija' is also frequently presented to Croatian and foreign media representatives at various events and special presentations, gastronomic fairs and media conferences.

'Lumblija' and its specific production method are frequently the topic of various websites devoted to gastronomy, emphasising the inextricable link with the island of Korčula (Vilicom kroz Hrvatsku, *'Lumblija: Imamo recept za mirisan kolač s otoka Korčule koji se sprema za blagdan Svih Svetih'*, 29.10.2021; Dobra hrana, *'Korčulanska lumblija recept star 200 godina: Kolač vezan uz ljubavnu priču Korčulanke i francuskog vojnika!'*, 20.10.2018).

This island delicacy is offered to guests at various public events throughout the year or given as a present as a typical gastronomic treat from the island of Korčula.

Reference to publication of the specification

https://poljoprivreda.gov.hr/UserDocsImages/dokumenti/hrana/proizvodi_u_postupku_zastite-zoi-zozp-zts/Lumblija_specifikacija_proizvoda10032022.pdf

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

Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN