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Information and Notices

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Contents

II *Information*

INTERINSTITUTIONAL AGREEMENTS

European Central Bank

2023/C 18/01

Agreement of 30 December 2022 between Hrvatska narodna banka and the European Central Bank regarding the claim credited to Hrvatska narodna banka by the European Central Bank under Article 30.3 of the Statute of the European System of Central Banks and of the European Central Bank ... 1

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2023/C 18/02

Non-opposition to a notified concentration (Case M.10754 – ONE ROCK CAPITAL PARTNERS / PREFERE RESINS) ⁽¹⁾ 4

IV *Notices*

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2023/C 18/03

Euro exchange rates – 18 January 2023 5

EN

⁽¹⁾ Text with EEA relevance.

COURT PROCEEDINGS

European Commission

2023/C 18/04	Action brought on 7 December 2022 by the EFTA Surveillance Authority against Norway (Case E-15/22)	6
--------------	--	---

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

European Commission

2023/C 18/05	Notice of re-opening of the safeguard investigation following the judgment of the General Court of 9 November 2022 in Case T-246/19 with regard to Commission Implementing Regulation (EU) 2019/67 imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma	8
--------------	--	---

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

2023/C 18/06	Prior notification of a concentration (Case M.10924 – PROXIMUS / ETHIAS / JV) – Candidate case for simplified procedure ⁽¹⁾	12
2023/C 18/07	Prior notification of a concentration (Case M.11001 – SKIPJACK / MITSUI O.S.K. LINES / INTERNATIONAL TRANSPORTATION) – Candidate case for simplified procedure ⁽¹⁾	14
2023/C 18/08	Prior notification of a concentration (Case M.10967 – ACE PHARMACEUTICALS BELGIUM / FEBELCO / PANNOC CHEMIE JV) Candidate case for simplified procedure ⁽¹⁾	16

OTHER ACTS

European Commission

2023/C 18/09	Publication of an approved standard amendment to the product specification of a protected designation of origin or protected geographical indication in the agricultural products and foodstuffs sector, as referred to in Article 6b(2) and (3) of Commission Delegated Regulation (EU) No 664/2014	18
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⁽¹⁾ Text with EEA relevance.

II

(Information)

INTERINSTITUTIONAL AGREEMENTS

EUROPEAN CENTRAL BANK

AGREEMENT

of 30 December 2022

between Hrvatska narodna banka and the European Central Bank regarding the claim credited to Hrvatska narodna banka by the European Central Bank under Article 30.3 of the Statute of the European System of Central Banks and of the European Central Bank

(2023/C 18/01)

THIS AGREEMENT IS MADE ON 30 DECEMBER 2022 BETWEEN:

1. Hrvatska narodna banka, and
 2. the European Central Bank (ECB)
- (hereinafter the 'Parties')

Whereas:

- (1) Pursuant to Article 3(1) of Decision (EU) 2023/135 of the European Central Bank (ECB/2022/51) ⁽¹⁾, the aggregate euro-equivalent amount of foreign reserve assets that Hrvatska narodna banka is required to transfer to the ECB with effect from 1 January 2023 in accordance with Article 48.1 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') is EUR 639 849 638,12.
- (2) Pursuant to Article 30.3 of the Statute of the ESCB and Article 4(1) of Decision (EU) 2023/135 (ECB/2022/51), with effect from 1 January 2023 the ECB is required to credit Hrvatska narodna banka with a euro-denominated claim equivalent to the aggregate euro amount of Hrvatska narodna banka's contribution of foreign reserve assets, subject to the specifications provided for in Article 3 of that Decision. The ECB and Hrvatska narodna banka agree to set Hrvatska narodna banka's claim at EUR 327 152 181,93 in order to ensure that the ratio between the amount in euro of Hrvatska narodna banka's claim and the aggregate amount in euro of the claims credited to the other national central banks of Member States whose currency is the euro (hereinafter the 'other NCBs') will be equal to the ratio between Hrvatska narodna banka's weighting in the ECB's capital key and the other NCBs' aggregate weighting in this key.
- (3) The difference between the amounts mentioned in recitals 1 and 2 results from: (a) the application to the value of foreign reserve assets already transferred by Hrvatska narodna banka pursuant to Article 30.1 of the Statute of the ESCB of the 'current exchange rates' referred to in Article 48.1 of the Statute of the ESCB; and (b) the effect on the claims held by the other NCBs, pursuant to Article 30.3 of the Statute of the ESCB, of the ECB's capital key

⁽¹⁾ Decision (EU) 2023/135 of the European Central Bank of 30 December 2022 on the paying-up of capital, transfer of foreign reserve assets and contributions by Hrvatska narodna banka to the European Central Bank's reserves and provisions (ECB/2022/51) (OJ L 17, 19.1.2023, p. 94).

adjustments on 1 January 2004 ⁽²⁾, 1 January 2009 ⁽³⁾, 1 January 2014 ⁽⁴⁾, 1 January 2019 ⁽⁵⁾ and 1 February 2020 ⁽⁶⁾ pursuant to Article 29.3 of the Statute of the ESCB and the ECB's capital key expansions on 1 May 2004 ⁽⁷⁾, 1 January 2007 ⁽⁸⁾ and 1 July 2013 ⁽⁹⁾ pursuant to Article 48.3 of the Statute of the ESCB.

- (4) In view of the abovementioned difference, the ECB and Hrvatska narodna banka agree that Hrvatska narodna banka's claim may be reduced by offsetting against it the amount that Hrvatska narodna banka is required to contribute to the ECB's reserves and provisions pursuant to Article 48.2 of the Statute of the ESCB and Article 5(1) of Decision (EU) 2023/135 (ECB/2022/51), in the event that Hrvatska narodna banka's claim is larger than the amount of EUR 327 152 181,93.
- (5) The ECB and Hrvatska narodna banka should agree on other aspects of the procedure for crediting Hrvatska narodna banka's claim, taking into account that, depending on exchange rate movements, it may be necessary to increase rather than reduce the claim to the amount referred to in recital 2.
- (6) The Governing Council has approved the ECB's entry into this Agreement, which concerns a decision to be taken under Article 30 of the Statute of the ESCB, in accordance with Article 10.3 of the Statute of the ESCB and the procedure specified therein,

HAVE AGREED AS FOLLOWS:

Article 1

Procedure for crediting Hrvatska narodna banka's claim

1. If the amount of the claim that the ECB is required to credit to Hrvatska narodna banka pursuant to Article 30.3 of the Statute of the ESCB and Article 4(1) of Decision (EU) 2023/135 (ECB/2022/51) (hereinafter the 'claim') is greater than EUR 327 152 181,93 on any of the settlement dates on which the ECB receives foreign reserve assets from Hrvatska narodna banka pursuant to Article 3 of Decision (EU) 2023/135 (ECB/2022/51), then the amount of the claim shall be reduced with effect from that date to EUR 327 152 181,93. Such reduction shall be made by offsetting against the claim the amount that Hrvatska narodna banka is required to contribute to the ECB's reserves and provisions with effect from 1 January 2023 pursuant to Article 48.2 of the Statute of the ESCB and Article 5(1) of Decision (EU) 2023/135 (ECB/2022/51). The offset amount shall be treated as an advance contribution to the ECB's reserves and provisions pursuant to Article 48.2 of the Statute of the ESCB and Article 5(1) of Decision (EU) 2023/135 (ECB/2022/51), which contribution shall be deemed to have been made on the date on which the offset occurs.

⁽²⁾ Decision ECB/2003/17 of the European Central Bank of 18 December 2003 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 9, 15.1.2004, p. 27).

⁽³⁾ Decision ECB/2008/23 of the European Central Bank of 12 December 2008 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 21, 24.1.2009, p. 66).

⁽⁴⁾ Decision ECB/2013/28 of the European Central Bank of 29 August 2013 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 16, 21.1.2014, p. 53).

⁽⁵⁾ Decision (EU) 2019/43 of the European Central Bank of 29 November 2018 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital and repealing Decision ECB/2013/28 (ECB/2018/27) (OJ L 9, 11.1.2019, p. 178).

⁽⁶⁾ Decision (EU) 2020/137 of the European Central Bank of 22 January 2020 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital and repealing Decision (EU) 2019/43 (ECB/2020/3) (OJ L 27 I, 1.2.2020, p. 4).

⁽⁷⁾ Decision ECB/2004/5 of the European Central Bank of 22 April 2004 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 205, 9.6.2004, p. 5).

⁽⁸⁾ Decision ECB/2006/21 of the European Central Bank of 15 December 2006 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 24, 31.1.2007, p. 1).

⁽⁹⁾ Decision ECB/2013/17 of the European Central Bank of 21 June 2013 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 187, 6.7.2013, p. 15).

2. If the amount required to be contributed by Hrvatska narodna banka to the ECB's reserves and provisions pursuant to Article 48.2 of the Statute of the ESCB and Article 5(1) of Decision (EU) 2023/135 (ECB/2022/51) is less than the difference between the amount of Hrvatska narodna banka's claim and EUR 327 152 181,93 then the amount of the claim shall be reduced to EUR 327 152 181,93: (a) by offsetting in accordance with paragraph 1; and (b) by the ECB paying Hrvatska narodna banka an amount in euro equal to the amount of the shortfall remaining after such offset. Any amount required to be paid by the ECB in accordance with this paragraph shall be due on 1 January 2023. The ECB shall, in due course, give instructions for the transfer of such an amount, and of net accrued interest thereon, through the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) settling in euro in central bank money. Accrued interest shall be calculated on a daily basis, using the actual-over-360 day-count method of calculation at a rate equal to the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

3. If the amount of Hrvatska narodna banka's claim is less than EUR 327 152 181,93 on the final date on which the ECB receives foreign reserve assets from Hrvatska narodna banka pursuant to Article 3 of Decision (EU) 2023/135 (ECB/2022/51), then the amount of the claim shall be increased on that date to EUR 327 152 181,93 and Hrvatska narodna banka shall pay the ECB an amount in euro equal to the difference. Any amount required to be paid by Hrvatska narodna banka in accordance with this paragraph shall be due from 1 January 2023, and shall be paid on the final date on which the ECB receives foreign reserve assets from Hrvatska narodna banka pursuant to Article 3 of Decision (EU) 2023/135 (ECB/2022/51).

Article 2

Final provisions

1. This Agreement shall enter into force on 1 January 2023.
2. Done on 30 December 2022 in two original copies each in the English language and signed by the Parties' duly authorised representatives. Each party to this Agreement shall receive a copy thereof.

For Hrvatska narodna banka
Boris VUJČIĆ
Governor

For the European Central Bank
Christine LAGARDE
President

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration

(Case M.10754 – ONE ROCK CAPITAL PARTNERS / PREFERE RESINS)

(Text with EEA relevance)

(2023/C 18/02)

On 7 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 32022M10754. EUR-Lex is the online point of access to European Union law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

18 January 2023

(2023/C 18/03)

1 euro =

Currency			Exchange rate		
Currency			Exchange rate		
USD	US dollar	1,0839	CAD	Canadian dollar	1,4505
JPY	Japanese yen	139,79	HKD	Hong Kong dollar	8,4814
DKK	Danish krone	7,4399	NZD	New Zealand dollar	1,6683
GBP	Pound sterling	0,87530	SGD	Singapore dollar	1,4280
SEK	Swedish krona	11,1735	KRW	South Korean won	1 337,16
CHF	Swiss franc	0,9906	ZAR	South African rand	18,3960
ISK	Iceland króna	154,50	CNY	Chinese yuan renminbi	7,3193
NOK	Norwegian krone	10,6553	IDR	Indonesian rupiah	16 307,20
BGN	Bulgarian lev	1,9558	MYR	Malaysian ringgit	4,6754
CZK	Czech koruna	23,954	PHP	Philippine peso	59,170
HUF	Hungarian forint	396,15	RUB	Russian rouble	
PLN	Polish zloty	4,6983	THB	Thai baht	35,633
RON	Romanian leu	4,9388	BRL	Brazilian real	5,5252
TRY	Turkish lira	20,3706	MXN	Mexican peso	20,2193
AUD	Australian dollar	1,5413	INR	Indian rupee	88,1420

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

V

(Announcements)

COURT PROCEEDINGS

EUROPEAN COMMISSION

Action brought on 7 December 2022 by the EFTA Surveillance Authority against Norway**(Case E-15/22)**

(2023/C 18/04)

An action against Norway was brought before the EFTA Court on 7 December 2022 by the EFTA Surveillance Authority, represented by Kyrre Isaksen, Marte Brathovde and Melpo-Menie Joséphidès, acting as Agents of the EFTA Surveillance Authority, 19H Avenue des Arts, 1000 Brussels, Belgium.

The EFTA Surveillance Authority requests the EFTA Court to:

1. Declare that Norway, by not providing and operating data link services by 5 February 2018, has failed to fulfil its obligations under Articles 3(1) and 7(1) of Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky ⁽¹⁾, and
2. Order Norway to bear the costs of these proceedings.

Legal and factual background and pleas in law adduced in support:

- By the present Application, the EFTA Surveillance Authority ('the Authority') seeks a declaration that Norway has failed to fulfil its obligations under Articles 3(1) and 7(1) of Commission Regulation (EC) No 29/2009 ('the Regulation').
- The Authority requested, in a letter to the Norwegian Government dated 31 May 2018, information regarding the status for the implementation of data link services in Norway. The Norwegian Government replied on 2 July 2018, confirming that the air traffic service provider designated by Norway, Avinor Air Navigation Services (Avinor Flysikring), had not yet implemented the data link services as required by the Regulation.
- Following a letter of formal notice issued by the Authority on 10 June 2020, the Norwegian Government, in its reply on 12 October 2020, did not dispute the Authority's assessment that Norway had failed to fulfil its obligations under Article 3(1) and Article 7(1) of the Regulation.
- In a reasoned opinion of 10 November 2021, the Authority maintained its assessment and concluded that, by not providing and operating data link services by 5 February 2018, Norway had failed to fulfil its obligations under Articles 3(1) and 7(1) of the Regulation.
- The Norwegian Government, in its letter of 15 February 2022, referred to technical challenges, unreasonable costs and safety concerns as reasons for not implementing data link services by the deadline set out in the Regulation or in the Authority's reasoned opinion.

⁽¹⁾ OJ L 13, 17.1.2009, p. 3.

- The Authority submits that there is no legal basis in the Regulation, as incorporated into the EEA Agreement, or otherwise in that Agreement, based on which non-compliance of the obligations set out in Articles 3(1) and 7(1) of the Regulation could be justified in this case.
-

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of re-opening of the safeguard investigation following the judgment of the General Court of 9 November 2022 in Case T-246/19 with regard to Commission Implementing Regulation (EU) 2019/67 imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma

(2023/C 18/05)

1. Judgment

By its judgment of 9 November 2022 in Case T-246/19 *Kingdom of Cambodia and Cambodia Rice Federation v Commission* (‘the judgment’), the General Court of the European Union (‘the General Court’) annulled Commission Implementing Regulation (EU) 2019/67 of 16 January 2019 imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma (‘the Regulation at issue’) ⁽¹⁾, by which the European Commission (the ‘Commission’) reintroduced the Common Customs Tariff duties on imports of that rice for a period of three years and introduced a progressive reduction in the rate of duty applicable insofar as it concerned the imports of rice originating in Cambodia and Myanmar/Burma.

The General Court found that the Commission erred in law and made a manifest error of assessment by arbitrarily limiting the scope of its investigation concerning the injury caused to the Union industry solely to millers of milled or semi-milled Indica rice processed from paddy rice grown or harvested in the European Union. The incorrect definition of Union producers thus also vitiated the analysis of the existence of serious difficulties, since the Commission excluded some of the producers from the injury assessment.

The General Court also found that the Commission failed to provide evidence to the requisite standard with respect to the adjustments made to the undercutting analysis.

Finally, the General Court also found that the Commission infringed the applicants’ rights of defence and the obligation to disclose the essential facts and considerations and the details underlying them. In particular, the Commission failed to disclose the data underlying the consumption and injury indicators and the undercutting analysis and the adjustments made following the comments of the interested parties on the general disclosure document.

2. Consequences

Article 266 TFEU provides that the Institutions must take the necessary measures to comply with the Courts’ judgments. In case of annulment of an act adopted by the Institutions in the context of an administrative procedure, such as general safeguard investigations under Regulation (EU) No 978/2012 ⁽²⁾, compliance with the General Court’s judgment consists in the replacement of the annulled act by a new act, in which the illegality identified by the Court is eliminated ⁽³⁾.

⁽¹⁾ OJ L 15, 17.1.2019, p. 5.

⁽²⁾ Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 (OJ L 303, 31.10.2012, p. 1) (‘Regulation (EU) No 978/2012’).

⁽³⁾ Joined cases 97, 193, 99 and 215/86 *Asteris v Commission* EU:C:1988:46, paragraphs 27 and 28; and Case T-440/20 *Jindal Saw v European Commission*, EU:T:2022:318, paragraph 115.

According to the case-law of the Court of Justice, the procedure for replacing the annulled act may be resumed at the very point at which the illegality occurred ⁽⁴⁾. That implies in particular that in a situation where an act concluding an administrative procedure is annulled, that annulment does not necessarily affect the preparatory acts, such as the initiation of the safeguard procedure. In a situation where, for instance, a regulation imposing general safeguard measures under Regulation (EU) No 978/2012 by which the European Commission reintroduced the Common Customs Tariff duties on imports for a period of three years is annulled, that means that subsequent to the annulment, the safeguard proceeding is still open, because the act concluding the safeguard proceeding has disappeared from the Union legal order ⁽⁵⁾, except if the illegality occurred at the stage of initiation.

In the present case, the General Court annulled the regulation at issue for the reasons mentioned in Section 1.

The remaining findings and conclusions in the regulation at issue, which were not contested, or which were contested but not examined by the General Court, remain valid and are not affected by this re-opening.

3. Re-opening procedure

In view of the above, the Commission decided to reopen the safeguard investigation that led to the adoption of the regulation at issue by which the Commission reintroduced the Common Customs Tariff duties on imports of that rice for a period of three years.

The re-opening of the original investigation resumes it at the point at which the irregularity occurred.

The purpose of the re-opening of the original investigation is to fully address the errors identified by the General Court, and to assess whether the application of the rules as clarified by the General Court warrants the re-imposition of the measures, which would lead to the reintroduction of the Common Customs Tariff duties on imports of Indica rice originating in Cambodia falling within CN codes 1006 30 27, 1006 30 48, 1006 30 67 and 1006 30 98 during the original period of application (three years, namely between 18 January 2019 and 18 January 2022). Since the measures were terminated, any re-imposition of Common Customs Tariff duties would only concern imports made between 18 January 2019 and 18 January 2022.

4. Written submissions

All interested parties, are invited to make their views known, submit information and provide supporting evidence on issues pertaining to the re-opening of the investigation. Unless otherwise specified, this information and supporting evidence must reach the Commission within 30 days from the date of publication of this Notice in the *Official Journal of the European Union*.

5. Possibility to be heard by the Commission investigation services

All interested parties may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the re-opening of the investigation, the request must be submitted within 15 days from the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with interested parties.

6. Instructions for making written submissions and sending correspondence

Information submitted to the Commission for the purpose of safeguard investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data, which is subject to third party

⁽⁴⁾ Case C-415/96 *Spain v Commission*, EU:C:1998:533, paragraph 31; Case C-458/98 P *Industrie des Poudres Sphériques v Council* EU:C:2000:531, paragraphs 80 to 85; Case T-301/01 *Alitalia v Commission* EU:T:2008:262, paragraphs 99 and 142; Joined Cases T-267/08 and T-279/08 *Région Nord-Pas de Calais v Commission* EU:T:2011:209, paragraph 83.

⁽⁵⁾ Case C-415/96 *Spain v Commission* EU:C:1998:533, paragraph 31; Case C-458/98 P *Industrie des Poudres Sphériques v Council* EU:C:2000:531, paragraphs 80 to 85.

copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this safeguard proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' ⁽⁹⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment. Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 38 of the GSP Regulation, which will be labelled 'For inspection by interested parties'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. However, if the supplier of the information *wishes* neither to make it public *nor to authorise its disclosure in general terms or in the form of a summary* and if it appears that the request for confidentiality is unjustified, the information concerned *may be disregarded*.

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

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate G
Office: CHAR 04/39
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: TRADE-SAFEGUARD-RICE@ec.europa.eu

7. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of information available, in accordance with Article 13 of the Commission Delegated Regulation (EU) No 1083/2013 of 28 August 2013.

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

If an interested party does not cooperate or cooperates only partially, the result may be less favourable to that party than if it had cooperated.

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

⁽⁹⁾ A 'Sensitive' document is a document which is considered confidential pursuant to Article 38 of Regulation (EU) No 978/2012. It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

8. Hearing Officer

The beneficiary country concerned and interested parties have the right to a general hearing and shall submit a written request within 21 days from the date of publication of this Notice in the *Official Journal of the European Union*, showing that they are actually likely to be affected by the outcome of the investigation and that there are special reasons for them to be heard orally.

A beneficiary country and interested parties may request the intervention of the Hearing Officer. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests to be heard. Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. The Hearing Officer will examine the reasons for requests for interventions, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation. For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's Internet: <https://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>

9. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁷⁾.

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

10. Disclosure

A beneficiary country and interested parties which have been registered as such during the investigation leading to adoption of the regulation at issue will be informed of the essential facts and considerations on the basis of which the Commission intends to implement the abovementioned judgment in due time and will be given an opportunity to submit their views before a final decision is taken.

⁽⁷⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration
(Case M.10924 – PROXIMUS / ETHIAS / JV)
Candidate case for simplified procedure

(Text with EEA relevance)

(2023/C 18/06)

1. On 12 January 2023, the Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- Proximus NV/SA ('Proximus', Belgium),
- Ethias NV/SA ('Ethias', Belgium),
- a newly created company 'Glasfaser Ostbelgien – GO Fiber' (the 'JV', Belgium).

Proximus and Ethias will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the JV.

The concentration is accomplished by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are the following:

- Proximus is the incumbent telecommunications operator in Belgium. It is active in a full range of electronic communications services providing wholesale and retail services, fixed and mobile telecommunications, voice and data services, mainly at national level within Belgium. Proximus is listed on the Brussels Stock Exchange. The Belgian State owns 53,5 % of Proximus' shares, Proximus owns 4,5 % of its shares and 42 % of Proximus' shares are publicly traded,
- Ethias is a life and non-life insurance company, mostly active in Belgium. The Belgian State, the Walloon Region and the Flemish region each own 31,66 % of Ethias' shares. The remaining 5 % of Ethias' shares are owned by the cooperative company EthiasCo. Ethias has several subsidiaries, which form together the Ethias Group, and which are amongst other things active in the development of IT/ICT solutions. In the context of the Transaction, the role of Ethias will mainly consist in contributing to the necessary financing of the JV.

3. The business activities of the JV will be the roll-out and operation, at wholesale level, of a dense passive Point-to-Point Fiber-To-The-Home Network (the 'FTTH Network') throughout the territory of the German-speaking Community of Belgium (the *Deutschsprachige Gemeinschaft* or 'DG') upon public request of the DG. The deployment and the operation of the FTTH Network will constitute a service of general economic interest ('SGEI') within identified areas of this territory.

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

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

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

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

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

M.10924 – PROXIMUS / ETHIAS / JV

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

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

Fax +32 22964301

Postal address:

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

Prior notification of a concentration**(Case M.11001 – SKIPJACK / MITSUI O.S.K. LINES / INTERNATIONAL TRANSPORTATION)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2023/C 18/07)

1. On 11 January 2023, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- Skipjack Terminal Holdings, L.P. ('Skipjack', USA), controlled by Macquarie Group Limited ('Macquaire', Australia),
- Mitsui O.S.K. Lines, Ltd. ('MOL', Japan),
- International Transportation Inc. ('ITI', United States), controlled by MOL.

Skipjack and MOL will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of ITI, the holding company of TraPac LLC ('TraPac', United States).

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are the following:

- Skipjack is a special purpose vehicle managed by Macquaire, a global provider of assets management services,
- MOL is active in the provision of marine transportation, warehousing and cargo handling services and other activities,
- ITI is the holding company of TraPac. TraPac operates marine container terminal stevedoring services at terminals in Los Angeles and Oakland (California).

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

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

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

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

M.11001 – SKIPJACK / MITSUI O.S.K. LINES / INTERNATIONAL TRANSPORTATION

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

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

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

Fax +32 22964301

Postal address:

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

Prior notification of a concentration**(Case M.10967 – ACE PHARMACEUTICALS BELGIUM / FEBELCO / PANNOC CHEMIE JV) Candidate case for simplified procedure****(Text with EEA relevance)**

(2023/C 18/08)

1. On 10 January 2023, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- ACE Pharmaceuticals Belgium NV ('ACE Belgium', Belgium), controlled by, on the one hand, Quadrum Capital (the Netherlands), Rivean Capital (the Netherlands), Gilde Healthcare (the Netherlands) via ACE Pharmaceuticals BV belonging to ACE Pharma Group BV, and, on the other hand, Pharmentum NV (Belgium),
- Febelco CV ('Febelco', Belgium), and
- Pannoc Chemie NV ('Pannoc', Belgium).

ACE Belgium and Febelco will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Pannoc.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are the following:

- ACE Belgium is a joint venture between ACE Pharmaceuticals BV – belonging to ACE Pharma Group BV – and Pharmentum NV,
- ACE Pharma Group BV is active in the development, production, registration and sale of medicines for small patient groups or specific indications, as well as in the production and distribution of medicines for clinical research,
- Quadrum Capital, Rivean Capital and Gilde Healthcare are private equity funds,
- Pharmentum NV is a holding company with control of Pharma Chemicals, a pharmaceutical company active in the sourcing, analysis and repackaging of medical raw materials, which it sells to pharmacies and hospitals, which then further process them,
- Febelco is a cooperative society owned almost entirely by its customers, the independent Belgian pharmacists. Febelco is active, among other things, as a wholesaler-distributor of pharmaceutical and parapharmaceutical products,
- Pannoc is a Belgian pharmaceutical company which is dedicated to developing, producing, packaging and selling medical raw materials and cosmetics in the form of creams, ointments, gels, lotions and solutions, as well as a limited number of medicines.

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

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

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

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

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

M.10967 – ACE PHARMACEUTICALS BELGIUM / FEBELCO / PANNOC CHEMIE JV

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

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

Fax +32 22964301

Postal address:

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

OTHER ACTS

EUROPEAN COMMISSION

Publication of an approved standard amendment to the product specification of a protected designation of origin or protected geographical indication in the agricultural products and foodstuffs sector, as referred to in Article 6b(2) and (3) of Commission Delegated Regulation (EU) No 664/2014

(2023/C 18/09)

This communication is published in accordance with Article 6b(5) of Commission Delegated Regulation (EU) No 664/2014 ⁽¹⁾.

Communicating the approval of a standard amendment to the product specification of a protected designation of origin or protected geographical indication originating in a Member State (Regulation (EU) No 1151/2012)

‘Torta del Casar’

EU No: PDO-ES-0213-AM02 – 21.10.2022

PDO (X) PGI ()

1. Name of product

‘Torta del Casar’

2. Member State to which the geographical area belongs

Spain

3. Member State authority communicating the standard amendment

Directorate-General for Crop and Livestock Farming, attached to the Regional Ministry of Agriculture, Rural Development, Population and Territory of the Government of the Autonomous Community of Extremadura

4. Description of the approved amendment(s)

The ‘standard amendment’ affects only point 2 (Cheese dairies) of Section E of the product specification. It simply involves deleting the specific best-before date (210 days from the date of manufacture) under the heading ‘Dispatch’ in the aforementioned point on cheese dairies. Although this is only a slight change, the amendment request entails a small change to the corresponding single document; namely, in the last paragraph of point 3.6 (Specific rules concerning labelling of the product to which the registered name refers), the sentence relating to setting a best-before date of 210 days from the date of manufacture has also been deleted.

This is a change which can in no way be considered a Union amendment: it does not affect the protected name or a traditional speciality guaranteed, does not risk voiding the link and does not entail further restrictions on the marketing of the product (rather, it removes a restriction on the marketing of the product).

⁽¹⁾ OJ L 179, 19.6.2014, p. 17.

SINGLE DOCUMENT

‘Torta del Casar’

EU No: PDO-ES-0213-AM02 – 21.10.2022

PDO (X) PGI ()

1. Name

‘Torta del Casar’

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

‘Torta del Casar’ is a cheese made from the raw milk of ewes of the merino and entrefino breeds. It is coagulated with vegetable rennet made from the cardoon (*Cynara cardunculus*) and is matured for at least 60 days.

‘Torta del Casar’ must have the following physical, physico-chemical and organoleptic characteristics.

(a) Physical

- Shape: cylindrical with quite flat faces, plano-convex sides and rounded edges.
- Size:
 - i. Diameter: at least 7 cm
 - ii. Height: no more than 50 % of its diameter
- Weight: there are three size ranges, with a maximum tolerance of 5 %:
 - i. Large: 801–1 100 g
 - ii. Medium-sized: 501–800 g
 - iii. Small: 200–500 g

(b) Physico-chemical

- Fat in dry matter: at least 50 %
- Dry matter: at least 50 %
- pH: between 5,20 and 5,90
- NaCl: no more than 3,0 %

(c) Organoleptic

- Rind: semi-hard, defined and differentiated from the paste, of a uniform ochre colour, free from colourings and traditionally presented rubbed with oil. There may be small cracks in the surface.

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

Registered flocks of sheep must be fed in accordance with traditional practices, which make use of the natural resources of the geographical area through extensive or semi-extensive farming. Fodder, straw, compound feed and concentrates may be used as supplementary feed where necessary.

The maximum stocking density for semi-extensive farming is set at 1,8 livestock units per hectare (LU/ha). This ensures that supplementary feed sourced from outside the geographical area remains below the limit set by the applicable legislation.

In addition to the natural vegetation associated with extensive or semi-extensive farming, the geographical area also provides hay, straw, cereals or vetch grown from seed, which can be used for grazing or, after the harvest, as either green or dried fodder.

The supplementary feed is based principally around protein (soya, rapeseed > 50 %) and cereal (barley, maize, wheat > 25 %). The final mix given to the animals consists mainly of that basic feed (> 25 %), forage crops (alfalfa, vetch > 30 %), cereals (maize, barley > 20 %) and seeds (cotton, sunflower > 6 %).

It is not technically possible to obtain soya, rapeseed, sunflower, cotton or alfalfa in the geographical area.

The milk used to produce 'Torta del Casar' must be obtained from ewes of the merino and entrefino breeds.

In terms of its quality and composition, the milk used to produce 'Torta del Casar' must be suitable for cheese-making and must, in any event:

- be raw, whole, non-standardised, clean and free of impurities;
- have a fat plus protein content of at least 11,0 % and a protein content of at least 4,8 %;
- have a pH of between 6,6 and 6,9.

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

The geographical area covered by the 'Torta del Casar' PDO lies in the province of Cáceres, which forms part of the Autonomous Community of Extremadura (Spain), and is defined in point 4 of this document. The production steps that must take place in this area are:

- milk production, as set out in point 3.3;
- cheese-making, including coagulation, cutting, moulding, pressing, salting and maturing.

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

The cheeses may be dispatched in half- or quarter-sized portions. There is a free choice of packaging as long as it preserves the integrity and final quality of the product.

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

The whole or cut cheeses must be labelled within the geographical area by certified operators so as to guarantee the origin and authenticity of the product. As stated in section 3.2(c) of this document, 'Torta del Casar' is a cheese with a semi-hard rind, which is why it is not permitted to affix removable identifiers, such as casein labels, to the rind to ensure traceability. Consequently, all there is to guarantee the authenticity and origin of the product is the certification label, which carries a printed batch number and unique serial number and must be placed on each cheese by the operators before dispatch to allow this to be carried out under the control of the Regulatory Council and without compromising traceability. It therefore does not constitute a restriction on the single market.

The final labelling must consist of the commercial label of the cheese dairy and the certification label, which must be placed inseparably and indelibly on every certified whole or cut cheese, with ultimate responsibility for its correct use being borne by the registered operator.

The final labelling must also display the batch number, the best-before date and all other particulars specified in the relevant legislation.

PDO 'Torta del Casar' logo:



4. Concise definition of the geographical area

The geographical area in which the milk is produced and 'Torta del Casar' is made is located in the districts of Los Llanos de Cáceres, Sierra de Fuentes and Montánchez, in the south-central part of the province of Cáceres, which forms part of the Autonomous Community of Extremadura (Spain).

The area covers approximately 400 000 ha and comprises the following municipalities:

Albalá, Alcuéscar, Aldea del Cano, Aliseda, Almoharín, Arroyo de la Luz, Arroyomolinos, Benquerencia, Botija, Brozas, Cáceres, Casar de Cáceres, Casas de Don Antonio, Garrovillas,

Herreruela, Hinojal, La Cumbre, Malpartida de Cáceres, Monroy, Montánchez, Navas del Madroño, Plasenzuela, Ruanes, Salvatierra de Santiago, Santa Ana, Santa Marta de Magasca, Santiago del Campo, Sierra de Fuentes, Talaván, Torremocha, Torreorgaz, Torrequemada, Torre de Santa María, Valdefuentes, Valdemorales, Zarza de Montánchez.

5. Link with the geographical area

5.1. Specificity of the geographical area

(a) Natural factors

- Relief: the production area lies to the north of the Sierra de San Pedro and is bounded by the province of Badajoz, the rivers Magasca and Almonte to the east and the Tagus to the north. The steppe-like plain of the geographical area is broken by the Sierra de Fuentes, running north-west to south-east, with altitudes of between 250 m and 450 m.
- Soils: the soils are sand, sandy loam or clay, not very fertile and rather thin, and are formed by the decomposition of the granite subsoil. There are numerous rocky outcrops, forming what are known as *berrocales* or *barruecos*, of which there is a well-known example in Malpartida de Cáceres. There are few places suitable for growing crops and most of the area is used to graze sheep.
- Climate: the area has a continental climate with long, hot summers and short, mild winters. The annual average temperature is between 15 °C and 18 °C, but temperatures can climb to over 40 °C in summer. Rainfall, which ranges between 300 ml and 500 ml, is irregular and occurs mostly in spring and autumn.
- Hydrography: in addition to the aforementioned watercourses that form the perimeter of the area, there are others, such as the Salor and Ayuela, which are tributaries of the Tagus, and the Guadiloba, a tributary of the Almonte.
- Flora and natural grasslands: the flora consists mainly of herbaceous plants, with *Gramineae* (gen. *Poa*, *Festuca* and *Agrostis*), *Leguminosae* (gen. *Medicago* and *Trifolium*) and *Compositae*, species which are highly nutritious but slow-growing. There are also some shrubs, such as *Genista* and spiny broom, particularly in high-altitude areas, and trees of the genus *Quercus* (holm oak, kermes oak, cork oak).

(b) Historical and economic factors

Since time immemorial, transhumance and grazing have been practised in the geographical area of the 'Torta del Casar' PDO, as defined in point 4 of this document. These are activities that are closely interconnected and deeply rooted in the districts that make up the geographical area, as the natural factors described above obliged the peoples that settled there to make the most of the available resources in order to sustain their economies.

The scarcity of natural resources in the area favoured the emergence of livestock farming, particularly sheep farming. There is evidence that there have been flocks in the area since antiquity, and the work *Interrogatorios de la Real Audiencia. Extremadura al final de los tiempos modernos. Partido Judicial de Cáceres* [Hearings in the Royal Courts. Extremadura at the end of the modern age. Judicial district of Cáceres] contains evidence from 1791 of the existence of the cheese, which was used to pay tithes, and the presence of the sheep that produced the milk, which were kept mainly for wool.

However, with the decline in the value of wool, milk and cheese production became more and more important, transforming the production of 'Torta del Casar' into an essential adjunct to the local economy.

(c) *Human factors*

The specific character of 'Torta del Casar' has been preserved as a result of natural factors, historical and economic factors and human factors, in the form of the master cheese-maker. Despite the changes that the production process has undergone, as the practice of making cheeses for home consumption on sheep farms alongside the flocks has given way to today's cheese dairies designed to meet new requirements and market demands, the master cheese-maker has remained an essential figure, as there is still a need for their special knowledge of the raw materials, processes and desired result for the production of 'Torta del Casar'. It should be noted that the master cheese-maker controls multiple variables which require particular expertise for the following reasons:

- Working with raw, whole, non-standardised milk produced at various times of the year means that the composition and bacteriology of the milk can vary considerably, affecting the entire process.
- The use of natural *Cynara cardunculus* that has not been extracted or standardised makes the coagulation stage particularly complex and decisive for optimal curd formation.
- The decision as to when to cut the curd and how big the resulting grains should be is influenced by the above factors and is taken on the basis of experience.
- Moulding by hand and pressing are processes which require an exact knowledge of how much curd to put in each mould and how much pressure to apply to attain the required moisture content.
- As a result of the many environmental changes that occur over the course of the year and affect the maturing process, the cheese requires constant monitoring to make sure that it is developing correctly.

It is only with a knowledge of these factors that it is possible to achieve intense proteolysis, a process involving the breakdown of the milk proteins, which, when it occurs before the rind is fully formed, gives 'Torta del Casar' its characteristic texture and shape.

5.2. *Specificity of the product*

The specific characteristics which distinguish 'Torta del Casar' from other cheeses are its creamy texture, its characteristic slightly bitter taste and its unusual shape, which is reminiscent of a *torta de pan* [bread pudding cake] – it is wider than it is tall, with rounded, convex sides and almost no edges. The way in which the cheese is consumed also differs from other cheeses, because the top of the cheese has to be sliced off like a lid to get at the cheese without it oozing out. The 'lid' should be replaced for storage.

5.3. *Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)*

Because the geographical area has few natural resources as a result of the characteristics set out in section 5.1(a), the inhabitants have centred their economy around livestock farming, specifically sheep, as they are well-adapted to the geographical environment. They are reared for milk and cheese production, because of the decline in the value of wool.

The hardy and adaptable merino and entrefino sheep have become perfectly acclimatised to the semi-steppe-like plains of the geographical area, producing milk which, because it is processed without undergoing heat treatment of any kind, retains all the diverse bacterial flora acquired as a result of the farming method. This gives the cheese its characteristic 'lactic' and/or 'vegetal' aromas.

Similarly, the unusual shape that is characteristic of 'Torta del Casar' is due to the unusual way in which it is matured, which makes it impossible to maintain the shape that is traditional for other cheeses.

The use of natural vegetable rennet obtained from the native cardoon (*Cynara cardunculus*), in combination with the know-how of the master cheese-maker, produces intense proteolysis during maturation at a stage when the rind is not yet fully formed, as a result of which the cheeses cannot support their own weight and tend to flatten and bulge out at the sides, giving them an unusual shape that reminded the artisan cheese-makers of a *torta de pan*, from which 'Torta del Casar' derives its name.

This intense proteolysis is also what gives 'Torta del Casar' its characteristically creamy texture.

Lastly, the slightly bitter taste that is characteristic of 'Torta del Casar' is due to the native cardoon (*Cynara cardunculus*) used to coagulate the milk.

Consequently, it is only the combination of the raw milk obtained from ewes of the merino and entrefino breeds reared in the geographical area of the PDO, the use of the native cardoon (*Cynara cardunculus*) as a natural coagulant and the traditional know-how acquired by the master cheese-makers that produces a cheese with the shape, texture, aroma and taste that characterise 'Torta del Casar'.

Reference to publication of the product specification

(Article 8(2)(d) of Regulation (EU) No 1151/2012)

<https://www.juntaex.es/documents/77055/621148/DOP+Torta+del+Casar.+Pliego+condiciones.pdf>

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