

Official Journal of the European Union

C 113



English edition

Information and Notices

Volume 66

28 March 2023

Contents

II *Information*

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2023/C 113/01	Non-opposition to a notified concentration (Case M.11041 – VERDANE CAPITAL 2020 / FSN CAPITAL VI / POLYTECH GROUP) ⁽¹⁾	1
2023/C 113/02	Non-opposition to a notified concentration (Case M.10981 – ITOCHU / TOKYO CENTURY / HCM / JV) ⁽¹⁾	2
2023/C 113/03	Non-opposition to a notified concentration (Case M.10350 – MONDELEZ / CHIPITA INDUSTRIAL AND COMMERCIAL COMPANY) ⁽¹⁾	3
2023/C 113/04	Non-opposition to a notified concentration (Case M.11045 – MITSUBISHI CORPORATION / MITSUBISHI HC CAPITAL / JV) ⁽¹⁾	4
2023/C 113/05	Non-opposition to a notified concentration (Case M.11066 – BERKSHIRE PARTNERS / GTCR / POINT BROADBAND) ⁽¹⁾	5

IV *Notices*

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2023/C 113/06	Euro exchange rates – 27 March 2023	6
2023/C 113/07	Commission Implementing Decision of 27 March 2023 establishing a list of geographical indications protected under Regulation (EU) No 1151/2012 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council	7

EN

⁽¹⁾ Text with EEA relevance.

2023/C 113/08	Commission Implementing Decision of 27 March 2023 establishing a list of geographical indications protected under Regulation (EU) No 1308/2013 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council	10
2023/C 113/09	Commission Implementing Decision of 27 March 2023 establishing a list of geographical indications protected under Regulation (EU) 2019/787 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council	14
European Labour Authority		
2023/C 113/10	Decision No 20/2022 of the ELA Management Board of 24 November 2022 on internal rules concerning restrictions of certain data subject rights in relation to the processing of personal data in the framework of activities carried out by the European Labour Authority	17
European Data Protection Supervisor		
2023/C 113/11	Summary of the Opinion of the European Data Protection Supervisor on the package of legislative proposals on VAT in the Digital Age (<i>The full text of this Opinion can be found in English, French and German on the EDPS website https://edps.europa.eu</i>)	26

V Announcements

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

2023/C 113/12	Prior notification of a concentration (Case M.10860 – ADVENT / GfK) ⁽¹⁾	29
---------------	--	----

OTHER ACTS

European Commission

2023/C 113/13	Publication of a communication of approval of a standard amendment to the product specification for a name in the wine sector referred to in Article 17(2) and (3) of Commission Delegated Regulation (EU) 2019/33	31
---------------	--	----

Corrigenda

2023/C 113/14	Corrigendum to Public holidays 2023 (OJ C 39, 1.2.2023)	37
---------------	---	----

⁽¹⁾ Text with EEA relevance.

II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case M.11041 – VERDANE CAPITAL 2020 / FSN CAPITAL VI / POLYTECH GROUP)****(Text with EEA relevance)**

(2023/C 113/01)

On 22 March 2023, 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 32023M11041. EUR-Lex is the online point of access to European Union law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration
(Case M.10981 – ITOCHU / TOKYO CENTURY / HCM / JV)

(Text with EEA relevance)

(2023/C 113/02)

On 18 January 2023, 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 32023M10981. EUR-Lex is the online point of access to European Union law.

—————

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration**(Case M.10350 – MONDELEZ / CHIPITA INDUSTRIAL AND COMMERCIAL COMPANY)****(Text with EEA relevance)**

(2023/C 113/03)

On 24 November 2021, 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 32021M10350. EUR-Lex is the online point of access to European Union law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration**(Case M.11045 – MITSUBISHI CORPORATION / MITSUBISHI HC CAPITAL / JV)****(Text with EEA relevance)**

(2023/C 113/04)

On 20 March 2023, 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 32023M11045. EUR-Lex is the online point of access to European Union law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration**(Case M.11066 – BERKSHIRE PARTNERS / GTCR / POINT BROADBAND)****(Text with EEA relevance)**

(2023/C 113/05)

On 17 March 2023, 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 32023M11066. 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⁾

27 March 2023

(2023/C 113/06)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,0773	CAD	Canadian dollar	1,4769
JPY	Japanese yen	141,64	HKD	Hong Kong dollar	8,4566
DKK	Danish krone	7,4515	NZD	New Zealand dollar	1,7397
GBP	Pound sterling	0,87818	SGD	Singapore dollar	1,4351
SEK	Swedish krona	11,2120	KRW	South Korean won	1 400,23
CHF	Swiss franc	0,9875	ZAR	South African rand	19,7373
ISK	Iceland króna	149,90	CNY	Chinese yuan renminbi	7,4131
NOK	Norwegian krone	11,3380	IDR	Indonesian rupiah	16 319,16
BGN	Bulgarian lev	1,9558	MYR	Malaysian ringgit	4,7633
CZK	Czech koruna	23,732	PHP	Philippine peso	58,347
HUF	Hungarian forint	385,30	RUB	Russian rouble	
PLN	Polish zloty	4,6855	THB	Thai baht	37,070
RON	Romanian leu	4,9405	BRL	Brazilian real	5,6362
TRY	Turkish lira	20,5701	MXN	Mexican peso	19,8128
AUD	Australian dollar	1,6204	INR	Indian rupee	88,6672

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

COMMISSION IMPLEMENTING DECISION**of 27 March 2023****establishing a list of geographical indications protected under Regulation (EU) No 1151/2012 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council**

(2023/C 113/07)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ⁽²⁾ ('the Geneva Act') is an international agreement under which the Contracting Parties implement a system of mutual protection of appellations of origin and geographical indications.
- (2) Following Council Decision (EU) 2019/1754 ⁽³⁾ on the accession of the Union to the Geneva Act, the Union deposited the instrument of accession to the Geneva Act on 26 November 2019. The accession of the Union to the Geneva Act took effect on 26 February 2020. Since the Union was the fifth Contracting Party acceding to the Geneva Act, the Geneva Act entered into force on that same date, in accordance with Article 29(2) of the Geneva Act.
- (3) In accordance with Article 5(1) and (2) of the Geneva Act, the Competent Authorities of each Contracting Party to the Geneva Act may file applications for international registration of an appellation of origin or geographical indication with the International Bureau of the World Intellectual Property Organization, which registers it in the International Register. In accordance with Article 9 of the Geneva Act, the other Contracting Parties may decide whether to protect that appellation of origin or geographical indication in their territories.
- (4) In accordance with Article 1(2) of Regulation (EU) 2019/1753, for the purposes of that Regulation and of the acts adopted pursuant thereto, the term 'geographical indications' covers the protected designations of origin and the protected geographical indications within the meaning of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽⁴⁾.
- (5) In accordance with Article 2(1) of Regulation (EU) 2019/1753, as the Competent Authority of the Union, the Commission is empowered to file applications for international registration of Union appellations of origin and geographical indications with the International Bureau upon the accession of the Union to the Geneva Act and thereafter on a regular basis.
- (6) Between September and November 2022, Member States sent to the Commission, in accordance with Article 2(2) of Regulation (EU) 2019/1753, 12 requests to register in the International Register protected designations of origin and protected geographical indications that originate in their territory and that are protected in accordance with Regulation (EU) No 1151/2012.

⁽¹⁾ OJ L 271, 24.10.2019, p. 1.

⁽²⁾ OJ L 271, 24.10.2019, p. 15.

⁽³⁾ Council Decision (EU) 2019/1754 of 7 October 2019 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 12).

⁽⁴⁾ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

- (7) Names protected in accordance with Regulation (EU) No 1151/2012 as protected designation of origin (PDO) and protected geographical indications (PGI) should be filed as applications for registration in the International Register as appellations of origin and geographical indications respectively.
- (8) A list of protected designations of origin (PDOs) and protected geographical indications (PGIs), based on those requests of the Member States to the Commission to file applications for international registration of geographical indications that originate in their territory and that are protected in the Union in accordance with Regulation (EU) No 1151/2012, should therefore be established.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS DECIDED AS FOLLOWS:

Sole Article

A list of protected designations of origin and protected geographical indications protected under Regulation (EU) No 1151/2012 to be filed as applications for international registration by the Commission is established in the Annex to this Decision.

Done at Brussels, 27 March 2023.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

ANNEX

List of the geographical indications protected in the Union in accordance with Regulation (EU) No 1151/2012 (protected designations of origin and protected geographical indications) to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753

- Germany
- Nürnberger Lebkuchen (PGI)
- Czechia
- České pivo (PGI)
- Greece
- Ξηρά Σύκα Ταξιάρχη / Xira Syka Taxiarchi (PDO)
- France
- Bleu de Gex Haut-Jura / Bleu de Septmoncel (PDO)
 - Dinde de Bresse (PDO)
 - Ossau-Iraty (PDO)
 - Picodon (PDO)
 - Salers (PDO)
- Spain
- Miel de Tenerife (PDO)
 - Queso Majorero (PDO)
 - Queso Tetilla / Queixo Tetilla (PDO)
 - Vinagre del Condado de Huelva (PDO)
-

COMMISSION IMPLEMENTING DECISION**of 27 March 2023****establishing a list of geographical indications protected under Regulation (EU) No 1308/2013 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council**

(2023/C 113/08)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ⁽²⁾ ('the Geneva Act') is an international agreement under which the Contracting Parties implement a system of mutual protection of appellations of origin and geographical indications.
- (2) Following Council Decision (EU) 2019/1754 ⁽³⁾ on the accession of the Union to the Geneva Act, the Union deposited the instrument of accession to the Geneva Act on 26 November 2019. The accession of the Union to the Geneva Act took effect on 26 February 2020. Since the Union was the fifth Contracting Party acceding to the Geneva Act, the Geneva Act entered into force on that same date, in accordance with Article 29(2) of the Geneva Act.
- (3) In accordance with Article 5(1) and (2) of the Geneva Act, the Competent Authorities of each Contracting Party to the Geneva Act may file applications for international registration of an appellation of origin or geographical indication with the International Bureau of the World Intellectual Property Organization, which registers it in the International Register. In accordance with Article 9 of the Geneva Act, the other Contracting Parties may decide whether to protect that appellation of origin or geographical indication in their territories.
- (4) In accordance with Article 1(2) of Regulation (EU) 2019/1753, for the purposes of that Regulation and of the acts adopted pursuant thereto, the term 'geographical indications' covers the protected designations of origin and the protected geographical indications within the meaning of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽⁴⁾.
- (5) In accordance with Article 2(1) of Regulation (EU) 2019/1753, as the Competent Authority of the Union, the Commission is empowered to file applications for international registration of Union appellations of origin and geographical indications with the International Bureau upon the accession of the Union to the Geneva Act and thereafter on a regular basis.

⁽¹⁾ OJ L 271, 24.10.2019, p. 1.

⁽²⁾ OJ L 271, 24.10.2019, p. 15.

⁽³⁾ Council Decision (EU) 2019/1754 of 7 October 2019 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 12).

⁽⁴⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

- (6) Between September and November 2022, Member States sent to the Commission, in accordance with Article 2(2) of Regulation (EU) 2019/1753, 73 requests to register in the International Register protected designations of origin that originate in their territory and that are protected in accordance with Regulation (EU) No 1308/2013.
- (7) Names protected in accordance with Regulation (EU) No 1308/2013 as protected designation of origin (PDO) and protected geographical indications (PGI) should be filed as applications for registration in the International Register as appellations of origin and geographical indications respectively.
- (8) A list of protected designations of origin (PDOs), based on those requests of the Member States to the Commission to file applications for international registration of geographical indications that originate in their territory and that are protected in the Union in accordance with Regulation (EU) No 1308/2013, should therefore be established.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets (Wine),

HAS DECIDED AS FOLLOWS:

Sole Article

A list of protected designations of origin protected under Regulation (EU) No 1308/2013 to be filed as applications for international registration by the Commission is established in the Annex to this Decision.

Done at Brussels, 27 March 2023.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

ANNEX

List of the geographical indications protected in the Union in accordance with Regulation (EU) No 1308/2013 (protected designations of origin and protected geographical indications) to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753

Spain

- Tacoronte-Acentejo (PDO)
- Abadía Retuerta (PDO)
- Abona (PDO)
- Dehesa Peñalba (PDO)
- El Hierro (PDO)
- La Gomera (PDO)
- Urueña (PDO)
- Valle de Güímar (PDO)
- Valle de la Orotava (PDO)

France

- Alsace grand cru Altenberg de Bergbieten (PDO)
- Alsace grand cru Altenberg de Bergheim (PDO)
- Alsace grand cru Altenberg de Wolxheim (PDO)
- Alsace grand cru Brand (PDO)
- Alsace grand cru Bruderthal (PDO)
- Alsace grand cru Eichberg (PDO)
- Alsace grand cru Engelberg (PDO)
- Alsace grand cru Florimont (PDO)
- Alsace grand cru Frankstein (PDO)
- Alsace grand cru Froehn (PDO)
- Alsace grand cru Furstentum (PDO)
- Alsace grand cru Geisberg (PDO)
- Alsace grand cru Gloeckelberg (PDO)
- Alsace grand cru Goldert (PDO)
- Alsace grand cru Hatschbourg (PDO)
- Alsace grand cru Hengst (PDO)
- Alsace grand cru Kaefferkopf (PDO)
- Alsace grand cru Kanzlerberg (PDO)
- Alsace grand cru Kessler (PDO)
- Alsace grand cru Kastelberg (PDO)
- Alsace grand cru Kirchberg de Barr (PDO)
- Alsace grand cru Kirchberg de Ribeauvillé (PDO)
- Alsace grand cru Kitterlé (PDO)
- Alsace grand cru Mambourg (PDO)
- Alsace grand cru Mandelberg (PDO)
- Alsace grand cru Marckrain (PDO)
- Alsace grand cru Moenchberg (PDO)

- Alsace grand cru Muenchberg (PDO)
- Alsace grand cru Ollwiller (PDO)
- Alsace grand cru Osterberg (PDO)
- Alsace grand cru Pfersigberg (PDO)
- Alsace grand cru Pfingstberg (PDO)
- Alsace grand cru Praelatenberg (PDO)
- Alsace grand cru Ranggen (PDO)
- Alsace grand cru Rosacker (PDO)
- Alsace grand cru Saering (PDO)
- Alsace grand cru Schlossberg (PDO)
- Alsace grand cru Schoenenbourg (PDO)
- Alsace grand cru Sommerberg (PDO)
- Alsace grand cru Sonnenglanz (PDO)
- Alsace grand cru Spiegel (PDO)
- Alsace grand cru Sporen (PDO)
- Alsace grand cru Steinert (PDO)
- Alsace grand cru Steingrubler (PDO)
- Alsace grand cru Steinklotz (PDO)
- Alsace grand cru Vorbourg (PDO)
- Alsace grand cru Wiebelsberg (PDO)
- Alsace grand cru Wineck-Schlossberg (PDO)
- Alsace grand cru Winzenberg (PDO)
- Alsace grand cru Zinnkoepflé (PDO)
- Alsace grand cru Zotzenberg (PDO)
- Coteaux Bourguignons (PDO)
- Coteaux Varois en Provence (PDO)
- Fronton (PDO)
- Irancy (PDO)
- Languedoc (PDO)
- Luberon (PDO)
- Malepère (PDO)
- Montlouis-sur-Loire (PDO)
- Orléans (PDO)
- Saint-Bris (PDO)
- Saint-Mont (PDO)
- Ventoux (PDO)

Italy

- Bolgheri Sassicaia (PDO)
-

COMMISSION IMPLEMENTING DECISION**of 27 March 2023****establishing a list of geographical indications protected under Regulation (EU) 2019/787 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council**

(2023/C 113/09)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ⁽²⁾ ('the Geneva Act') is an international agreement under which the Contracting Parties implement a system of mutual protection of appellations of origin and geographical indications.
- (2) Following Council Decision (EU) 2019/1754 ⁽³⁾ on the accession of the Union to the Geneva Act, the Union deposited the instrument of accession to the Geneva Act on 26 November 2019. The accession of the Union to the Geneva Act took effect on 26 February 2020. Since the Union was the fifth Contracting Party acceding to the Geneva Act, the Geneva Act entered into force on that same date, in accordance with Article 29(2) of the Geneva Act.
- (3) In accordance with Article 5(1) and (2) of the Geneva Act, the Competent Authorities of each Contracting Party to the Geneva Act may file applications for international registration of an appellation of origin or geographical indication with the International Bureau of the World Intellectual Property Organization, which registers it in the International Register. In accordance with Article 9 of the Geneva Act, the other Contracting Parties may decide whether to protect that appellation of origin or geographical indication in their territories.
- (4) In accordance with Article 1(2) of Regulation (EU) 2019/1753, for the purposes of that Regulation and of the acts adopted pursuant thereto, the term 'geographical indications' covers the geographical indications within the meaning of Regulation (EU) 2019/787 of the European Parliament and of the Council ⁽⁴⁾.
- (5) In accordance with Article 2(1) of Regulation (EU) 2019/1753, as the Competent Authority of the Union, the Commission is empowered to file applications for international registration of Union appellations of origin and geographical indications with the International Bureau upon the accession of the Union to the Geneva Act and thereafter on a regular basis.

⁽¹⁾ OJ L 271, 24.10.2019, p. 1.

⁽²⁾ OJ L 271, 24.10.2019, p. 15.

⁽³⁾ Council Decision (EU) 2019/1754 of 7 October 2019 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 12).

⁽⁴⁾ Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).

- (6) In November 2022, Member States sent to the Commission, in accordance with Article 2(2) of Regulation (EU) 2019/1753, six requests to register in the International Register geographical indications that originate in their territory and that are protected in accordance with Regulation (EU) 2019/787.
- (7) Names protected in accordance with Regulation (EU) 2019/787 as geographical indications should be filed as applications for registration in the International Register as geographical indications.
- (8) A list of geographical indications, based on those requests of the Member States to the Commission to file applications for international registration of geographical indications that originate in their territory and that are protected in the Union in accordance with Regulation (EU) 2019/787, should therefore be established.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee for Spirit Drinks,

HAS DECIDED AS FOLLOWS:

Sole Article

A list of geographical indications protected under Regulation (EU) 2019/787 to be filed as applications for international registration by the Commission is established in the Annex to this Decision.

Done at Brussels, 27 March 2023.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

ANNEX

List of the geographical indications protected in the Union in accordance with Regulation (EU) 2019/787 (geographical indications) to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753

France

- Fine de Bourgogne (GI)
- Marc des Côtes-du-Rhône / Eau-de-vie de marc des Côtes du Rhône (GI)
- Marc du Languedoc (GI)
- Marc de Provence (GI)
- Marc de Savoie (GI)

Italy

- Brandy italiano (GI)
-

EUROPEAN LABOUR AUTHORITY

DECISION No 20/2022 OF THE ELA MANAGEMENT BOARD

of 24 November 2022

on internal rules concerning restrictions of certain data subject rights in relation to the processing of personal data in the framework of activities carried out by the European Labour Authority

(2023/C 113/10)

THE MANAGEMENT BOARD OF THE EUROPEAN LABOUR AUTHORITY,

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

Having regard to 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 ⁽¹⁾ (“Regulation (EU) 2018/1725” or “Regulation”), and in particular Article 25 thereof,

Having regard to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 ⁽²⁾ (“the founding Regulation”), and in particular Article 36 thereof,

Having consulted the European Data Protection Supervisor,

Whereas:

- (1) The European Labour Authority (hereinafter referred to as “ELA”) is empowered to conduct administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings, in accordance with the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽³⁾ (“Staff Regulations”) and with Decision No 22/2021 of 10 November 2021 of the ELA Management Board concerning the terms and conditions for internal investigations at the European Labour Authority in relation to the prevention of fraud, corruption and any illegal activity detrimental to the interests of the Union adopting implementing provisions regarding the conduct of administrative inquiries and disciplinary proceedings. If required, it also notifies cases to OLAF.
- (2) The ELA is empowered to coordinate and support concerted and joint inspections in the areas within the Authority’s competence in accordance with Articles 8 and 9 of the founding Regulation.

The Authority may also, on its own initiative, suggest to the authorities of the Member States concerned that they carry out a concerted or joint inspection.

- (3) ELA staff members are under an obligation to report potentially illegal activities, including fraud and corruption, which are detrimental to the interests of the Union. Staff members are also obliged to report conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the Union. This is regulated by Decision No 11/2021 of 25 May 2021 of the ELA Management Board.

⁽¹⁾ OJ L 295, 21.11.2018, p. 39.

⁽²⁾ OJ L 186, 11.7.2019, p. 21.

⁽³⁾ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

- (4) The ELA has put in place a policy to prevent and deal effectively with actual or potential cases of psychological or sexual harassment in the workplace, as provided for in its Decision No 6/2022 of 15 March 2022 of the ELA Management Board adopting implementing measures pursuant to the Staff Regulations.

The Decision establishes an informal procedure whereby the alleged victim of the harassment can contact ELA's "confidential counsellors".

- (5) The ELA can also conduct investigations into potential breaches of security rules for European Union sensitive non-classified information, based on Article 38 of the founding Regulation.
- (6) The ELA is subject to both internal and external audits concerning its activities.
- (7) In the context of such administrative inquiries, audits and investigations, the ELA cooperates with other Union institutions, bodies, offices and agencies.
- (8) The ELA can cooperate with third countries' national authorities and international organisations, either at their request or on its own initiative. In the particular case of concerted and/or joint inspections, at the request of one or more Member States or on its own initiative, the Authority shall coordinate and support concerted or joint inspection in the areas within the Authority's competence in order to achieve the objectives set out in the founding Regulation and without prejudice to the competence of the Member States and of the Union institutions.
- (9) The ELA can also cooperate with EU Member States' public authorities, either at their request or on its own initiative. In the particular case of concerted and/or joint inspections, at the request of one or more Member States or on its own initiative, the Authority shall coordinate and support concerted or joint inspection in the areas within the Authority's competence in order to achieve the objectives set out in the founding Regulation and without prejudice to the competence of the Member States and of the Union institutions.
- (10) The ELA is involved in cases before the Court of Justice of the European Union when it either refers a matter to the Court, defends a decision it has taken and which has been challenged before the Court, or intervenes in cases relevant to its tasks. In this context, the ELA might need to preserve the confidentiality of personal data contained in documents obtained by the parties or the interveners.
- (11) To fulfil its tasks, the ELA collects and processes information and several categories of personal data, including identification data of natural persons, contact information, professional roles and tasks, information on private and professional conduct and performance, and financial data. The ELA, as the data controller, is represented by its Executive Director, irrespective of further delegations of the controller role within the ELA to reflect operational responsibilities for specific personal data processing operations.
- (12) Under Regulation (EU) 2018/1725, the ELA is therefore obliged to provide information to data subjects on those processing activities and to respect their rights as data subjects.
- (13) The ELA might be required to reconcile those rights with the objectives of administrative inquiries, audits, investigations, concerted and joint inspections and court proceedings. It might also be required to balance a data subject's rights against the fundamental rights and freedoms of other data subjects. To that end, Article 25 of the Regulation (EU) 2018/1725 gives the ELA the possibility to restrict, under strict conditions, the application of Articles 14 to 22, 35 and 36 of the Regulation, as well as its Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 20. Unless restrictions are provided for in a legal act adopted on the basis of the Treaties, it is necessary to adopt internal rules under which the ELA is entitled to restrict those rights.
- (14) The ELA might, for instance, need to restrict the information it provides to a data subject about the processing of his or her personal data during the preliminary assessment phase of an administrative inquiry or during the inquiry itself, prior to a possible dismissal of case or at the pre-disciplinary stage. In certain circumstances, providing such

information might seriously affect the ELA's capacity to conduct the inquiry in an effective way, whenever, for example, there is a risk that the person concerned might destroy evidence or interfere with potential witnesses before they are interviewed. The ELA might also need to protect the rights and freedoms of witnesses as well as those of other persons involved.

- (15) It might be necessary to protect the anonymity of a witness or whistleblower who has asked not to be identified. In such a case, the ELA might decide to restrict access to the identity, statements and other personal data of such persons, in order to protect their rights and freedoms.
- (16) It might be necessary to protect confidential information concerning a staff member who has contacted ELA's "confidential counsellors" in the context of a harassment procedure. In such cases, the ELA might need to restrict access to the identity, statements and other personal data of the alleged victim, the alleged harasser and other persons involved, in order to protect the rights and freedoms of all concerned.
- (17) The ELA should apply restrictions only when they respect the essence of fundamental rights and freedoms, are strictly necessary and are a proportionate measure in a democratic society. The ELA should give reasons explaining the justification for those restrictions.
- (18) In application of the principle of accountability, the ELA should keep a record of its application of restrictions.
- (19) When processing personal data exchanged with other organisations in the context of its tasks, the ELA and those organisations should consult each other on potential grounds for imposing restrictions and the necessity and proportionality of those restrictions, unless this would jeopardise the activities of the ELA.
- (20) Article 25(6) of the Regulation obliges the controller to inform data subjects of the principal reasons on which the application of the restriction is based and of their right to lodge a complaint with the EDPS.
- (21) Pursuant to Article 25(8) of the Regulation, the ELA is entitled to defer, omit or deny the provision of information on the reasons for the application of a restriction to the data subject if this would in any way cancel the effect of the restriction. The ELA should assess on a case-by-case basis whether the communication of the restriction would cancel its effect.
- (22) The ELA should lift the restriction as soon as the conditions that justify the restriction no longer apply, and assess those conditions on a regular basis.
- (23) To guarantee utmost protection of the rights and freedoms of data subjects and in accordance with Article 44(1) of the Regulation, the ELA DPO should be consulted in due time of any restrictions that may be applied and verify their compliance with this Decision.
- (24) Articles 16(5) and 17(4) of the Regulation provide for exceptions to data subjects' right to information and right of access. If these exceptions apply, the ELA does not need to apply a restriction under this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter and scope

1. This Decision lays down rules relating to the conditions under which the ELA may restrict the application of Articles 4, 14 to 22, 35 and 36, pursuant to Article 25 of the Regulation.
2. The ELA, as the controller, is represented by its Executive Director.

*Article 2***Restrictions**

1. The ELA may restrict the application of Articles 14 to 22, 35 and 36, and Article 4 thereof in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 20:
 - (a) pursuant to Article 25(1) (b), (c), (f), (g) and (h) of the Regulation, when conducting administrative inquiries, pre-disciplinary, disciplinary or suspension proceedings under Article 86 and Annex IX of the Staff Regulations and the Decision No 22/2021 of 10 November 2021 of the ELA Management Board concerning the terms and conditions for internal investigations at the European Labour Authority in relation to the prevention of fraud, corruption and any illegal activity detrimental to the interests of the Union, and when notifying cases to OLAF;
 - (b) pursuant to Article 25(1)(h) of the Regulation, when ensuring that ELA staff members may report facts confidentially where they believe there are serious irregularities, as set out in Decision No 11/2021 of 25 May 2021 of the ELA Management Board;
 - (c) pursuant to Article 25(1)(h) of the Regulation, when ensuring that ELA staff members are able to report to “confidential counsellors” in the context of a harassment procedure, as defined by Decision No 6/2022 of 15 March 2022 of the ELA Management Board adopting implementing measures pursuant to the Staff Regulations;
 - (d) pursuant to Article 25(1)(c), (g) and (h) of the Regulation, when conducting internal audits in relation to activities or departments of the ELA, investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
 - (e) pursuant to Article 25(1)(b),(c), (d), (g) and (h) of the Regulation, when providing or receiving assistance to or from other Union institutions, bodies, offices and agencies or cooperating with them in the context of activities under points (a) to (d) of this paragraph, in particular concerted and joint inspections and pursuant to relevant service level agreements, memoranda of understanding, arrangements for concerted and joint inspections and cooperation agreements;
 - (f) pursuant to Article 25(1)(c), (g) and (h) of the Regulation, when providing or receiving assistance to or from third countries national authorities and international organisations or cooperating with such authorities and organisations, either at their request or on its own initiative;
 - (g) pursuant to Article 25(1)(b), (c), (g) and (h) of the Regulation, when providing or receiving assistance and cooperation to and from EU Member States’ public authorities, either at their request or on its own initiative, in particular for concerted and joint inspection activities;
 - (h) pursuant to Article 25(1)(e) of the Regulation, when processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union;
2. Any restriction shall respect the essence of fundamental rights and freedoms and be necessary and proportionate in a democratic society.
3. A necessity and proportionality test shall be carried out on a case-by-case basis before restrictions are applied. Restrictions shall be limited to what is strictly necessary to achieve their objective.
4. For accountability purposes, the ELA shall draw up a record describing the reasons for restrictions that are applied, which grounds among those listed in paragraph 1 apply and the outcome of the necessity and proportionality test. Those records shall be part of a register, which shall be made available on request to the EDPS. The ELA shall prepare periodic reports on the application of Article 25 of the Regulation.

5. When processing personal data received from other organisations in the context of its tasks, the ELA shall consult those organisations on potential grounds for imposing restrictions and the necessity and proportionality of the restrictions concerned, unless this would jeopardise the activities of the ELA.

Article 3

Risks to the rights and freedoms of data subjects

1. Assessments of the risks to the rights and freedoms of data subjects of imposing restrictions and details of the period of application of those restrictions shall be registered in the record of processing activities maintained by the ELA under Article 31 of the Regulation. They shall also be recorded in any data protection impact assessments regarding those restrictions conducted under Article 39 of the Regulation.
2. Whenever the ELA assesses the necessity and proportionality of a restriction it shall consider the potential risks to the rights and freedoms of the data subject.

Article 4

Safeguards and storage periods

1. The ELA shall implement safeguards to prevent abuse and unlawful access or transfer of the personal data in respect of which restrictions apply or could be applied. Such safeguards shall include technical and organisational measures and be detailed as necessary in ELA internal decisions, procedures and implementing rules. The safeguards shall include:
 - (a) a clear definition of roles, responsibilities and procedural steps;
 - (b) if appropriate, a secure electronic environment which prevents unlawful and accidental access or transfer of electronic data to unauthorised persons;
 - (c) if appropriate, secure storage and processing of paper-based documents;
 - (d) due monitoring of restrictions and a periodic review of their application.

The reviews referred to in point (d) shall be conducted at least every six months.

2. Restrictions shall be lifted as soon as the circumstances that justify them no longer apply.
3. The personal data shall be retained in accordance with the applicable retention rules, to be defined in the data protection records maintained under Article 31 of the Regulation.

At the end of the retention period, the personal data shall be deleted, anonymised or transferred to archives in accordance with Article 13 of the Regulation.

Article 5

Involvement of the Data Protection Officer

1. The ELA DPO shall be informed without undue delay before any decision to restrict data subjects' rights is taken in accordance with this Decision. The ELA DPO shall be given access to the associated records and any documents concerning the factual or legal context.
2. The ELA DPO may request a review of the application of a restriction. The controller shall inform its DPO in writing of the outcome of the review.
3. The controller ELA shall document the involvement of the DPO in the application of restrictions, including what information is shared with him or her.

4. The controller shall inform the DPO when the restriction has been lifted.

Article 6

Right to information

1. In duly justified cases and under the conditions stipulated in this decision, the right to information may be restricted by the controller in the context of the following processing operations:

- (a) the performance of administrative inquiries, pre-disciplinary and disciplinary proceedings;
- (b) activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal and external audits;
- (g) concerted and joint inspections, when providing or receiving assistance and cooperation to and from EU Member States' public authorities, either at their request or on ELA own initiative;
- (h) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (i) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (j) processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union.

The ELA shall include in the data protection notices, privacy statements or records in the sense of Article 31 of Regulation (EU) 2018/1725, published on its website and/or on the intranet informing data subjects of their rights in the framework of a given procedure, information relating to the potential restriction of these rights. The information shall cover which rights may be restricted, the reasons and the potential duration.

2. Without prejudice to the provisions of paragraph 1, the ELA, where proportionate, shall also inform individually all data subjects, which are considered persons concerned in the specific processing operation, of their rights concerning present or future restrictions without undue delay and in a written form.

3. Where the ELA restricts, wholly or partly, the provision of information to the data subjects referred to in paragraph 2, it shall record the reasons for the restriction, the legal ground in accordance with Article 2 of this Decision, including an assessment of the necessity and proportionality of the restriction.

The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

4. The restriction referred to in paragraph 1 shall continue to apply as long as the reasons justifying it remain applicable.

Where the reasons for the restriction no longer apply, the ELA shall provide information to the data subject on the principal reasons on which the application of a restriction is based. At the same time, the ELA shall inform the data subject of the right of lodging a complaint with the European Data Protection Supervisor at any time or of seeking a judicial remedy in the Court of Justice of the European Union.

*Article 7***Right of access by data subject**

1. In duly justified cases and under the conditions stipulated in this decision, the right to access may be restricted by the controller in the context of the following processing operations, where necessary and proportionate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal and external audits;
- (g) concerted and joint inspections, when providing or receiving assistance and cooperation to and from EU Member States' public authorities, either at their request or on ELA own initiative;
- (h) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (i) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (j) processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union;

Where data subjects request access to their personal data processed in the context of one or more specific cases or to a particular processing operation, in accordance with Article 17 of Regulation (EU) 2018/1725, the ELA shall limit its assessment of the request to such personal data only.

2. Where the ELA restricts, wholly or partly, the right of access, referred to in Article 17 of Regulation (EU) 2018/1725, it shall take the following steps:

- (a) it shall inform the data subject concerned, in its reply to the request, of the restriction applied and of the principal reasons thereof, and of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy in the Court of Justice of the European Union;
- (b) it shall document in an internal assessment note the reasons for the restriction, including an assessment of the necessity, proportionality of the restriction and its duration.

The provision of information referred to in point (a) may be deferred, omitted or denied if it would cancel the effect of the restriction in accordance with Article 25(8) of Regulation (EU) 2018/1725.

The ELA shall review the application of the restriction every six months from its adoption and at the closure of the relevant investigation. Thereafter, the controller shall monitor the need to maintain any restriction on an annual basis.

3. The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

*Article 8***Right of rectification, erasure and restriction of processing**

1. In duly justified cases and under the conditions stipulated in this decision, the right to rectification, erasure and restriction may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) activities related to cases of potential irregularities reported to OLAF;

- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal and external audits;
- (g) concerted and joint inspections, when providing or receiving assistance and cooperation to and from EU Member States' public authorities, either at their request or on ELA own initiative;
- (h) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (i) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (j) processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union;

2. Where the ELA restricts, wholly or partly, the application of the right to rectification, erasure and restriction of processing referred to in Articles 18, 19(1) and 20(1) of Regulation (EU) 2018/1725, it shall take the steps set out in Article 6(2) of this Decision and register the record in accordance with Article 6(3) thereof.

Article 9

Provision of information to data subjects about restrictions of their rights

The ELA may defer, omit or deny the provision of information concerning the reasons for a restriction and the right to lodge a complaint with the EDPS for as long as it would cancel the effect of the restriction. Assessment of whether this would be justified shall take place on a case-by-case basis. As soon as it would no longer cancel the effect of the restriction, the ELA shall provide the information to the data subject.

Article 10

Communication of a personal data breach to the data subject

1. Where the ELA is under an obligation to communicate a data breach under Article 35(1) of the Regulation, it may, in exceptional circumstances, restrict such communication wholly or partly. It shall document in a note the reasons for the restriction, the legal ground for it under Article 2 and an assessment of its necessity and proportionality. The note shall be communicated to the EDPS at the time of the notification of the personal data breach.

2. Where the reasons for the restriction no longer apply, the ELA shall communicate the personal data breach to the data subject concerned and inform him or her of the principal reasons for the restriction and of his or her right to lodge a complaint with the EDPS.

Article 11

Confidentiality of electronic communications

1. In exceptional circumstances, the ELA may restrict the right to confidentiality of electronic communications under Article 36 of the Regulation. Such restrictions shall comply with Directive 2002/58/EC of the European Parliament and of the Council⁽⁴⁾.

2. Where the ELA restricts the right to confidentiality of electronic communications, it shall inform the data subject concerned, in its reply to any request from the data subject, of the principal reasons on which the application of the restriction is based and of his or her right to lodge a complaint with the EDPS.

⁽⁴⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

3. The ELA may defer, omit or deny the provision of information concerning the reasons for a restriction and the right to lodge a complaint with the EDPS for as long as it would cancel the effect of the restriction. Assessment of whether this would be justified shall take place on a case-by-case basis.

Article 12

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Bratislava, 24 November 2022.

For the Management Board
Tom BEVERS
Chair of the Management Board

EUROPEAN DATA PROTECTION SUPERVISOR

Summary of the Opinion of the European Data Protection Supervisor on the package of legislative proposals on VAT in the Digital Age

(2023/C 113/11)

(The full text of this Opinion can be found in English, French and German on the EDPS website <https://edps.europa.eu>)

On 8 December 2022, the European Commission issued the package of legislative proposals on VAT in the Digital Age that consists of: a proposal for a Council Directive amending Directive 2006/112/EC as regards VAT rules for the digital age ⁽¹⁾; a proposal for a Council Regulation amending Regulation (EU) No 904/2010 as regards the VAT administrative cooperation arrangements needed for the digital age ⁽²⁾; and a proposal for a Council Implementing Regulation amending Implementing Regulation (EU) No 282/2011 as regards information requirements for certain VAT schemes ⁽³⁾.

The EDPS welcomes the objectives pursued by the VAT in the Digital Age package, notably the modernisation of VAT reporting obligations, the adaptation of VAT rules applicable to platform economy and the introduction of Single VAT Registration. Having regard to the new rules on digital reporting envisaged by the proposal for a Council Directive, the EDPS recalls that any processing of personal data must fully comply with the GDPR ⁽⁴⁾ and the EUDPR ⁽⁵⁾, including the principles of purpose limitation and data minimisation. To ensure compliance with the principle of purpose limitation, the EDPS recommends explicitly specifying in the enacting terms of the proposal that the information collected may only be processed for the purpose of fighting VAT fraud by the competent tax administration.

Information contained in invoices may reveal sensitive information concerning specific natural persons, such as information concerning purchased goods (including intimate products), travel arrangements or legal services. The EDPS welcomes that the information to be provided to the tax administration under the digital reporting requirements are an extract (a specified subset) of the information from the invoice and not the whole invoice as such. This is a key safeguard to ensure compliance with the principle of data minimisation under Article 5(1)(c) of the GDPR and Article 4(1)(c) of the EUDPR and to reduce the impact of the processing of personal data on the rights and freedoms of the data subjects. In this regard, the EDPS welcomes that the proposal for a Council Directive excludes the name and address of the customer and the taxable person from the information to be transmitted.

The EDPS also welcomes that the proposal for a Council Regulation explicitly designates the roles of the Member States and Commission under EU data protection law. At the same time, the EDPS recalls that the designation must be aligned with the responsibilities assigned to each actor. Moreover, any further specification of the responsibilities of the Member States and the Commission by way of implementing acts must be fully in line with the roles established by the legislative act.

⁽¹⁾ COM(2022) 701 final.

⁽²⁾ COM(2022) 703 final.

⁽³⁾ COM(2022) 704 final.

⁽⁴⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁵⁾ 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).

Finally, the EDPS highlights that the safeguards laid down under Chapter XV of Council Regulation (EU) No 904/2010 ⁽⁶⁾ (Conditions governing the exchange of information) should remain applicable to the processing of personal data laid down in the proposal for a Council Regulation.

1. INTRODUCTION

1. On 8 December 2022, the European Commission ('Commission') issued a proposal for a Council Directive amending Directive 2006/112/EC as regards VAT rules for the digital age ('the proposal for a Council Directive'); a proposal for a Council Regulation amending Regulation (EU) No 904/2010 as regards the VAT administrative cooperation arrangements needed for the digital age ('the proposal for a Council Regulation'); a proposal for a Council Implementing Regulation amending Implementing Regulation (EU) No 282/2011 as regards information requirements for certain VAT schemes ('the proposal for a Council Implementing Regulation'). In the context of this Opinion, we refer to the three legislative proposals as the 'VAT in the Digital Age package'.
2. The VAT in the Digital Age package is part of the Commission's 2020 Action Plan for fair and simple taxation supporting the recovery ⁽⁷⁾. It has three main objectives ⁽⁸⁾:
 - 1) modernising VAT reporting obligations, by introducing Digital Reporting Requirements, which will standardise the information that needs to be submitted by taxable persons on each transaction to the tax authorities in an electronic format and, at the same time, it will impose the use of e-invoicing for cross-border transactions;
 - 2) updating the VAT rules applicable to the platform economy, in particular by enhancing the role of the platforms in the collection of VAT;
 - 3) avoiding the need for multiple VAT registrations in the EU and improving the functioning of the tool implemented to declare and pay the VAT due on distance sales of goods, by introducing Single VAT Registration (SVR), improving and expanding the existing systems of One-Stop Shop (OSS)/Import One-Stop Shop (IOSS) and reverse charge in order to minimise the instances for which a taxable person is required to register in another Member State.
3. In addition, the proposal for a Council Regulation introduces a set of amendments to Regulation (EU) 904/2010, establishing among others a new central system at EU level for the exchange of VAT information between Member States' tax administrations that is adapted to the specificities of Digital Reporting Requirements ('central VIES system') ⁽⁹⁾.
4. The present Opinion of the EDPS is issued in response to a consultation by the European Commission of 10 January 2023, pursuant to Article 42(1) of EUDPR. The EDPS welcomes the reference to this consultation in recital 25 of the proposal for a Council Regulation. A reference to this consultation is however absent in the recitals of the proposal for a Council Directive and in the recitals of the proposal for a Council Implementing Regulation. The EDPS therefore recommends inserting a reference to this consultation in both proposals.

4. CONCLUSIONS

28. In light of the above, the EDPS makes the following recommendations:

— with regard to the **proposal for a Council Directive**:

- (1) to add a recital recalling that the proposal ensures full respect for the fundamental rights to privacy and to the protection of personal data, as well as the applicability of GDPR and the EUDPR to the processing of personal data in the context of the proposal;

⁽⁶⁾ Council Regulation (EU) No 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax (OJ L 268, 12.10.2010, p. 1).

⁽⁷⁾ COM(2022) 701 final, p 1.

⁽⁸⁾ COM(2022) 701 final, p. 2.

⁽⁹⁾ COM(2022) 703 final, p. 3.

- (2) to explicitly specify in the enacting terms of the proposal that the information collected may only be processed for the purpose of fighting VAT fraud by the competent tax administration;
- with regard to the **proposal for a Council Regulation**:
- (3) to delete in recital 24 the words 'seeks to' in order to indicate clearly that this Regulation 'ensures' full respect for the right of protection of personal data laid down in Article 8 of the Charter and to explicitly recall the applicability of GDPR and the EUDPR to the processing of personal data in the context of the proposal.

Brussels, 3 March 2023.

Wojciech Rafał WIEWIÓROWSKI

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.10860 – ADVENT / GfK)

(Text with EEA relevance)

(2023/C 113/12)

1. On 20 March 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:

- NielsenIQ ('NIQ', United States), controlled by Advent International ('Advent', United States),
- GfK SE ('GfK', Germany).

Advent, indirectly through NIQ, will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of GfK.

The concentration is accomplished by way of purchase of shares.

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

- NIQ is active in the provision of market research services worldwide. NIQ is controlled by Advent, a private equity investor headquartered in the United States,
- GfK is active in the provision of market research services worldwide.

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.

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.10860 – ADVENT / GfK

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

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

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

Postal address:

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

OTHER ACTS

EUROPEAN COMMISSION

Publication of a communication of approval of a standard amendment to the product specification for a name in the wine sector referred to in Article 17(2) and (3) of Commission Delegated Regulation (EU) 2019/33

(2023/C 113/13)

This communication is published in accordance with Article 17(5) of Commission Delegated Regulation (EU) 2019/33 ⁽¹⁾.

COMMUNICATING THE APPROVAL OF A STANDARD AMENDMENT

‘Sebeş-Apold’**PDO-RO-A0371-AM02****Date of communication: 4 January 2023****DESCRIPTION OF AND REASONS FOR THE APPROVED AMENDMENT****1. Introduction of new wine grape varieties as main production varieties**

The product specification has been amended to include new wine grape varieties that can be used to produce the wines, namely for white wines the Furmint and Jordan varieties and for red wines the Cabernet Sauvignon, Pinot noir, Fetească neagră, Syrah and Merlot varieties.

Given the climatic particularities of the demarcated area, and the use of its biological potential, it is possible to produce quality red wines under optimum conditions for maturation, accumulation, etc.

Chapters IV, V, VIII, and XII of the product specification and points 4 and 7 of the single document have been amended.

2. Addition of technological specifications for making red wines

The introduction of new wine grape varieties for red wine production requires certain aspects of the relevant technological winemaking practices to be included in the specification.

Chapters VIII and XII of the product specification and points 4 and 7 of the single document have been amended.

3. Amendment of grape and wine yields to increase them

Following changes in vineyard structures for biotic (clonal structure, rootstock) and oenological reasons (the use of new winemaking technologies), yields have to be increased, while still ensuring compliance with the quality parameters specific to the wines produced in the Sebeş-Apold PDO area.

Vineyard conversion/restructuring projects have significantly altered the planting densities, i.e. the density of newly planted vineyards has significantly increased (around 4 500 vines/hectare), which has also led to an increase in grape production (the quantity of grapes produced may differ from one variety to another depending on its vigour, but must comply with the quality parameters specific to the PDO).

⁽¹⁾ OJ L 9, 11.1.2019, p. 2.

Some of the varieties planted (both Romanian and international) come from a wide range of clones with a minimal risk of not thriving that are designed to give the quantity and quality of grapes required to produce the wine. These clones combined with the appropriate rootstock and planting density are producing yields that are at least 25-35 % higher than initial estimates.

Chapters V and VI of the product specification and point 5.2 of the single document have been amended accordingly.

4. Addition of a derogation regarding winemaking

The specification has been supplemented with a derogation regarding winemaking within the Sebeş-Apold PDO area. This derogation is needed as there are not sufficient suitable premises within the area offering optimal conditions for the necessary steps of clarification, bottling, etc., and to protect the quality of the grapes produced by the wine grape varieties planted in this PDO area (the south-west gateway to the Transylvanian Plateau, one of the most important wine-growing regions). For these reasons, some of the stages following production need to be carried out in an area adjacent to the production area, namely in Alba County, a neighbouring administrative unit and also a part of the Târnavă PDO production area (adjacent administrative units for the production and processing of quality wines). Alba County has more premises available to complete the winemaking steps prior to marketing, while still preserving the specific quality of wines obtained in the Sebeş-Apold area.

By carrying out the steps following the production of the Sebeş-Apold wine in the adjacent area (Alba County) and by notifying the completion of these steps to the relevant control authority, producers ensure an optimal level of control of the Sebeş-Apold PDO wine production, while the specificity of the production area is guaranteed by the characteristics of the wine produced.

Chapter IX of the product specification and point 9 of the single document have been amended.

SINGLE DOCUMENT

1. Name(s)

Sebeş-Apold

2. Geographical indication type

PDO - Protected Designation of Origin

3. Categories of grapevine products

1. Wine

4. Description of the wine(s)

1. *Characteristics of the white wines*

CONCISE TEXTUAL DESCRIPTION

The white wines are characterised by fruitiness, vinosity, typical freshness due to higher acidity, liveliness, aromas of fruits, honey, musk, almonds, and gooseberries, balanced acidity, which sometimes gives the wine a distinctive fruitiness, or higher acidity, which can impart notes of fruit (grapefruit, pomelo, green bell peppers) and have secondary aromas from fermentation of banana and papaya. Higher alcoholic strength and glycerol make them full bodied, rich and well suited for ageing in wooden barrels or in the bottle. The specific colour is usually straw yellow tending to yellow-green, or yellow-green with tints of gold.

General analytical characteristics

Maximum total alcoholic strength (in % volume)	15,00
Minimum actual alcoholic strength (in % volume)	11,00

Minimum total acidity	4,5 in milliequivalents per litre
Maximum volatile acidity (in milliequivalents per litre)	18
Maximum total sulphur dioxide (in milligrams per litre)	200

2.

CONCISE TEXTUAL DESCRIPTION

Red wines – ruby red or deep ruby red, with subtle aromas of blackcurrants, blueberries or mint, and also a hint of vanilla when barrel-aged. Full-bodied, with aromas of raspberries, blackberries, blackcurrants, sour cherries and prunes, and also with notes of smoke or, sometimes, chilli. When aged in barrels, the wine takes on hints of vanilla or tobacco from the oak. When their acidity is low, they can be consumed young; when matured for short time in a barrel, they turn a clear ruby red colour, acquire aromas of ripe bitter cherries and citrus fruits, and have soft tannins.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	15,00
Minimum actual alcoholic strength (in % volume)	11,00
Minimum total acidity	4,5 in milliequivalents per litre
Maximum volatile acidity (in milliequivalents per litre)	20
Maximum total sulphur dioxide (in milligrams per litre)	150

5. **Winemaking practices**5.1. *Specific winemaking practices*

1. Winemaking practices

Cultivation method

- irrigation: permitted only in years of drought and with ONVPV (National Office of Vine and Wine) notification;
- plantation density - minimum 3 000 vines/hectare;
- green harvesting – reducing the number of grape clusters at veraison (the onset of ripening), when the potential production exceeds the maximum limits admitted under the specifications for wines bearing a controlled designation of origin.

5.2. *Maximum yields*

1. harvested at full maturity, DOC-CMD, Fetească regală and Riesling Italian varieties

14 000 kilograms of grapes per hectare

2. harvested at full maturity, DOC-CMD, Iordană variety

17 000 kilograms of grapes per hectare

3. harvested at full maturity, DOC-CMD, Fetească albă variety

13 000 kilograms of grapes per hectare

4. harvested at full maturity, DOC-CMD, Sauvignon, Chardonnay, Pinot gris, Riesling de Rhin, Neuburger, and Furmint varieties
12 000 kilograms of grapes per hectare
5. harvested at full maturity, DOC-CMD, Muscat Ottonel, Cabernet Sauvignon, Pinot noir, Fetească neagră, Merlot, and Syrah varieties
12 000 kilograms of grapes per hectare
6. harvested at full maturity, DOC-CMD, Traminer roz variety
11 000 kilograms of grapes per hectare
7. harvested at full maturity, DOC-CMD, Fetească regală and Riesling Italian varieties
94 hectolitres per hectare
8. harvested at full maturity, DOC-CMD, Iordană variety
119 hectolitres per hectare
9. harvested at full maturity, DOC-CMD, Furmint variety
87 hectolitres per hectare
10. harvested at full maturity, DOC-CMD, Sauvignon, Pinot gris, Chardonnay, Riesling de Rhin, Neuburger, Traminer roz, and Muscat Ottonel varieties
80 hectolitres per hectare
11. harvested at full maturity, DOC-CMD, Cabernet Sauvignon, Pinot noir, Fetească neagră, Merlot, and Syrah varieties
78 hectolitres per hectare

6. **Demarcated geographical area**

Alba county:

- town of Sebeş: Sebeş and Rahău localities;
- municipality of Daia Română: village of Daia Română;
- municipality of Călnic: villages of Călnic, Cut and Deal;
- municipality of Gârbova: villages of Gârbova, Reciu and Cărpiniş;
- municipality of Şpring: villages of Vingard and Şpring;

Sibiu county:

- municipality of Miercurea Sibiului: villages of Miercurea Sibiului, Apoldu de Sus and Dobârca;
- municipality of Ludoş: villages of Ludoş and Guşu;
- municipality of Apoldu de Jos: villages of Apoldu de Jos and Săngătin;
- municipality of Cristian: village of Cristian;
- municipality of Sălişte: villages of Aciliu, Amnaş and Sălişte;
- municipality of Loamneş: villages of Loamneş, Alămor, Armeni, Haşag, Mândra and Sădinca;
- municipality of Păuca: villages of Păuca, Bogatu Român, Broşteni and Presaca.

7. **Wine grape variety(-ies)**

Cabernet Sauvignon N - Petit Vidure, Burdeos tinto

Chardonnay B - Gentil blanc, Pinot blanc, Chardonnay

Fetească albă B - Păsărească albă, Poama fetei, Mädchentraube, Leanyka, Leanka

Fetească neagră N - Schwarze Mädchentraube, Poama fetei neagră, Păsărească neagră, Coadă rândunicii
 Fetească regală B - Königliche Mädchentraube, Königsast, Kiralyleanka, Dănășană, Galbenă de Ardeal
 Furmint B - Furmin, Şom szalai, Tokay, Szegszolo
 Iordană B - Iordovană, Iordan
 Merlot N - Bigney rouge, Plant Medoc
 Muscat Ottonel B - Muscat Ottonel blanc
 Neuburger B - Neuburg
 Pinot Gris G - Affumé, Grauer Burgunder, Grauburgunder, Grauer Mönch, Pinot cendré, Pinot Grigio, Ruländer
 Pinot noir N - Blauer Spätburgunder, Blauer Burgunder, Burgund mic, Burgunder roter, Klävner Morillon Noir
 Pinot noir N - Spätburgunder, Pinot nero
 Riesling Italian B - Olasz Riesling, Olaszriesling, Welschriesling
 Syrah N - Shiraz, Petit Syrah
 Traminer Rose Rs - Rosetraminer, Savagnin Rose, Gewürztraminer

8. Description of the link(s)

8.1. Link with the demarcated area – details of the area

The vineyards are located in the hilly depressions of Sebeş-Secaş and Apold, where the Secaş Plateau meets the Şurian-Cindrel Mountains.

The topography comprises hilly piedmont interfluves, the northern extensions of the Orăştie and Gârbova Hills at the foot of the Cindrel Mountains and the southern extensions of the plateau and surrounding hills of the Secaş Plateau.

The sculpted hilly terrain is associated with the relief that progressively formed along the main valleys: terraces, colluvial and proluvial plains and wide riverbeds. This land is ideal for growing grapes.

The vineyards are usually planted on the southern, south-eastern or south-western slopes, and in the valleys between the hills, where the vines can find warmth and light.

Average recorded precipitation is 550-600 mm/year (550 in the Mureş Corridor, 569 in Sebeş, 600-650 on the hilly peaks and in the Apold Valley), reaching a maximum in May-August and a minimum from September to winter, when snow generally prevails for 30 to 60 days.

The relative air humidity is between 60 % and 80 %, offering optimal conditions for the vines to grow and bear fruit.

8.2. Link with the demarcated area – product details

The white wines are characterised by fruitiness, vinosity, typical freshness due to higher acidity, liveliness, aromas of fruits, honey, musk, almonds, and gooseberries, balanced acidity, which sometimes gives the wine a distinctive fruitiness, or higher acidity, which can impart notes of fruit (grapefruit, pomelo, green bell peppers) and have secondary aromas from fermentation of banana and papaya.

They are well suited for ageing in wooden barrels or in the bottle. The specific colour is usually pale yellow tending to yellow-green, or yellow-green with tints of gold.

Red wines – ruby red or deep ruby red, with subtle aromas of blackcurrants or blueberries, and also a hint of vanilla when barrel-aged. Full-bodied, with aromas of raspberries, blackberries, blackcurrants, sour cherries and prunes, and also with notes of smoke or chilli. When aged in barrels, the wine takes on hints of vanilla or tobacco from the oak.

When matured for short time in a barrel, they turn a clear ruby red colour, acquire aromas of ripe bitter cherries and citrus fruits, and have soft tannins.

8.3. *Link with the demarcated area - causal interaction*

The climate is a standard temperate one, moderately continental in the hills, with some extremes at the base of the Mureş and Sebeş-Secaş corridors, characterised by harsh and frosty winters, relatively warm summers, early springs, and a warm autumn season lasting well into October, which fosters good growth; the grape ripen and the sugars accumulate slowly, thus allowing the aromas to develop and preserving the specific freshness and liveliness by means of the slightly higher acidity, particularly for the wines with distinctive floral and fruity aromas.

During the period when the grapes are ripening, average daytime temperatures are around 23°C and average night-time temperatures around 12°C, which results in a continuous increase in sugar content, while acidity is reduced, remaining constant or almost constant.

This vineyard has a wide variety of soil types and subtypes: luvisols, comprising brown and podzolic illuvial clay soils, interspersed with pseudorendzinas on terraces along the valleys, chernozem mollisols and cambic chernozem soils, that are gleyic in parts. The slopes exposed to more intense erosion and the azonal soils have regosols and eroded soils. These soils are preferred for viticulture, because of the vine's soil-fixing role due to deep roots, terracing and fertilisation.

9. **Essential further conditions (packaging, labelling, other requirements)**

Derogation concerning winemaking

Legal framework:

In EU legislation

Type of further condition:

Derogation concerning production in the demarcated geographical area

Description of the condition:

By way of derogation, musts and/or wines that are made of grapes harvested exclusively in vineyards located in the demarcated area of the Sebeş-Apold PDO and that will be covered by the Sebeş-Apold PDO can be processed in premises located in a neighbouring administrative unit that has the requisite winemaking capacity (thus ensuring that the quality of the wine obtained in the Sebeş-Apold PDO area is preserved), namely Alba County, which is a neighbouring administrative unit and also a part of the Târnavă PDO production area (adjacent administrative units for the production and processing of quality wines).

Winemaking

Legal framework:

In EU legislation

Type of further condition:

Derogation concerning production in the demarcated geographical area

Description of the condition:

By way of exception, wine clarification and bottling may take place outside the grape production area, provided that the competent authority in charge of the Sebeş-Apold PDO is notified, and subject to the approval of the local producer organisation for wines with controlled designation of origin. In such cases, it is mandatory to indicate the bottler and the bottling site on the label.

Link to the product specification

https://www.onvpv.ro/sites/default/files/caiet_sarcini_doc_sebes-apold_modif_cf_cerere_1155_25.07.2014_si_1475_22.07.2022_no_track_changes_1.pdf

CORRIGENDA

Corrigendum to Public holidays 2023

(Official Journal of the European Union C 39 of 1 February 2023)

(2023/C 113/14)

On page 20 in row 3:

<i>for:</i>	Česká republika	1.1, 15.4, 18.4, 1.5, 8.5, 5.7, 6.7, 28.9, 28.10, 17.11, 24.12, 25.12, 26.12
<i>read:</i>	Česká republika	1.1, 7.4, 10.4, 1.5, 8.5, 5.7, 6.7, 28.9, 28.10, 17.11, 24.12, 25.12, 26.12

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



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN