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I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

EUROPEAN SYSTEMIC RISK BOARD

RECOMMENDATION OF THE EUROPEAN SYSTEMIC RISK BOARD

of 6 March 2023

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

(ESRB/2023/1)

(2023/C 158/01)

THE GENERAL BOARD OF THE EUROPEAN SYSTEMIC RISK BOARD,

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

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

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 ⁽³⁾, and in particular Article 458(8) thereof,

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

Having regard to Decision ESRB/2011/1 of the European Systemic Risk Board of 20 January 2011 adopting the Rules of Procedure of the European Systemic Risk Board ⁽⁵⁾, and in particular Articles 18 to 20 thereof,

Whereas:

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

⁽¹⁾ OJ L 1, 3.1.1994, p. 3.

⁽²⁾ OJ L 331, 15.12.2010, p. 1.

⁽³⁾ OJ L 176, 27.6.2013, p. 1.

⁽⁴⁾ OJ L 176, 27.6.2013, p. 338.

⁽⁵⁾ OJ C 58, 24.2.2011, p. 4.

- (2) The framework on voluntary reciprocity for macroprudential policy measures set out in Recommendation ESRB/2015/2 of the European Systemic Risk Board ⁽⁶⁾ aims to ensure that all exposure-based macroprudential policy measures activated in one Member State are reciprocated in other Member States.
- (3) Recommendation ESRB/2017/4 of the European Systemic Risk Board ⁽⁷⁾ recommends the relevant activating authority to propose a maximum materiality threshold when submitting a request for reciprocation to the (European Systemic Risk Board) ESRB, below which an individual financial service provider's exposure to the identified macroprudential risk in the jurisdiction where the macroprudential policy measure is applied by the activating authority can be considered non-material. The ESRB may recommend a different threshold if deemed necessary.
- (4) Decision of the EEA Joint Committee No 79/2019 of 29 March 2019 amending Annex IX (Financial services) to the EEA Agreement [2019/2133] ⁽⁸⁾ incorporated Directive 2013/36/EU and Regulation (EU) No 575/2013 into the Agreement on the European Economic Area (EEA Agreement) with effect from 1 January 2020. Directive (EU) 2019/878 of the European Parliament and of the Council ⁽⁹⁾ and Regulation (EU) 2020/873 of the European Parliament and of the Council ⁽¹⁰⁾, which introduced significant amendments to Directive 2013/36/EU and Regulation (EU) No 575/2013, have been incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 383/2021 of 10 December 2021 amending Annex IX (Financial services) to the EEA Agreement ⁽¹¹⁾ and by Decision of the EEA Joint Committee No 301/2021 of 29 October 2021 amending Annex IX (Financial services) to the EEA Agreement ⁽¹²⁾, respectively. Directive (EU) 2019/878 and Regulation (EU) 2020/873 are now applicable in Norway.
- (5) With effect from 31 December 2020, credit institutions authorised in Norway are subject to: (i) a systemic risk buffer for exposures located in Norway applied at a rate of 4,5 %, pursuant to Article 133 of Directive 2013/36/EU; (ii) a 20 % floor for (exposure-weighted) average risk weights for exposures to residential real estate located in Norway, pursuant to Article 458(2)(d)(iv) of Regulation (EU) No 575/2013 (applicable to credit institutions using the internal ratings-based (IRB) approach); and (iii) a 35 % floor for (exposure-weighted) average risk weights for exposures to commercial real estate located in Norway, pursuant to Article 458(2)(d)(iv) of Regulation (EU) No 575/2013 (applicable to credit institutions using the IRB approach). The Norwegian authorities provided a phase-in period for the application of the systemic risk buffer for credit institutions that do not use the advanced IRB approach.
- (6) On 2 February 2021, Finansdepartementet (the Norwegian Ministry of Finance), acting as the Norwegian designated authority for the purposes of both Article 133(1) of Directive 2013/36/EU and Article 458(1) of Regulation (EU) No 575/2013, submitted to the ESRB a request for reciprocation of the systemic risk buffer rate pursuant to Article 134(5) of Directive 2013/36/EU and for the risk weight floors pursuant to Article 458(8) of Regulation (EU) No 575/2013.

⁽⁶⁾ Recommendation ESRB/2015/2 of the European Systemic Risk Board of 15 December 2015 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (OJ C 97, 12.3.2016, p. 9).

⁽⁷⁾ Recommendation ESRB/2017/4 of the European Systemic Risk Board of 20 October 2017 amending Recommendation ESRB/2015/2 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (OJ C 431, 15.12.2017, p. 1).

⁽⁸⁾ OJ L 321, 12.12.2019, p. 170.

⁽⁹⁾ Directive (EU) 2019/878 of the European Parliament and of the Council of 20 May 2019 amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures (OJ L 150, 7.6.2019, p. 253).

⁽¹⁰⁾ Regulation (EU) 2020/873 of the European Parliament and of the Council of 24 June 2020 amending Regulations (EU) No 575/2013 and (EU) 2019/876 as regards certain adjustments in response to the COVID-19 pandemic (OJ L 204, 26.6.2020, p. 4).

⁽¹¹⁾ Decision of 10 December 2021 (not yet published in the Official Journal).

⁽¹²⁾ Decision of 29 October 2021 (not yet published in the Official Journal).

- (7) Following the request by Finansdepartementet to the ESRB, the ESRB adopted Recommendation ESRB/2021/3 of the European Systemic Risk Board ⁽¹³⁾, thereby including these measures in the list of macroprudential policy measures which are recommended to be reciprocated under Recommendation ESRB/2015/2.
- (8) On 16 December 2022 Finansdepartementet notified the ESRB of its intention (i) to reset the systemic risk buffer rate for exposures located in Norway applicable to all credit institutions authorised in Norway and (ii) to extend by two additional years the risk weight floors applicable to residential and commercial real estate exposures located in Norway of credit institutions authorised in Norway using the IRB approach. The notified reset and extension of the measures do not affect their calibration and design. However, Finansdepartementet has extended the phase-in period for the application of the systemic risk buffer rate of 4,5 % to credit institutions that do not use the advanced IRB approach to 30 December 2023. Until that date, the systemic risk buffer rate applicable to exposures located in Norway is set at 3 % for credit institutions that do not use the advanced IRB approach. For the reciprocation of that measure, a similar phase-in period should be applied to foreign credit institutions not using the advanced IRB approach.
- (9) The notifications on 16 December 2022 also included a request to the ESRB to continue recommending reciprocation of all three measures. With regard to the reciprocation of the systemic risk buffer, Finansdepartementet proposed lowering the materiality threshold and to set it at a risk-weighted exposure amount of NOK 5 billion, which corresponds to around 0,16 % of the total risk-weighted exposure amount of credit institutions reporting in Norway.
- (10) Following the request by Finansdepartementet to the ESRB and in order to (i) prevent the materialisation of negative cross-border effects in the form of leakages and regulatory arbitrage that could result from the implementation of the macroprudential policy measures applied in Norway; and (ii) preserve a level playing field among EEA credit institutions, the General Board of the ESRB decided to continue to include the measures in the list of macroprudential policy measures that are recommended to be reciprocated under Recommendation ESRB/2015/2 and to amend slightly the parameters of the recommendation to reciprocate the systemic risk buffer.
- (11) In accordance with the request by Finansdepartementet, the materiality threshold for reciprocating the systemic risk buffer should be lowered and set at a risk-weighted exposure amount of NOK 5 billion. The Norwegian banking market is closely linked to markets in other Nordic countries such as Denmark, Finland and Sweden. In an integrated financial market, a low materiality threshold prevents potential leakages and regulatory arbitrage, thereby contributing to preserve financial stability and a level playing field. In addition, the administrative burden resulting from reciprocation of the systemic risk buffer is considered to be comparatively low, given that the systemic risk buffer to be applied by the Norwegian authorities is a simple and standardised measure, and credit institutions and authorities are already capable of identifying the country location of exposures. As the lowering of the materiality threshold might require the adoption of new national reciprocating measures or the amendment of existing ones, the standard three-month transition period following the publication of this Recommendation in the *Official Journal of the European Union* for the implementation of reciprocating measures should apply. With regard to the reciprocation of other measures referred to in the 16 December 2022 notifications, and which the ESRB continues to recommend for reciprocation, no new transition period is envisaged, as reciprocation is already recommended under Recommendation ESRB/2021/3.
- (12) Furthermore, Recommendation ESRB/2021/3, which amends Recommendation ESRB/2015/2 to include the Norwegian measures, was implemented when credit institutions authorised in Norway were not yet subject to Directive (EU) 2019/878. Therefore, relevant authorities in Member States that had already transposed Directive (EU) 2019/878 were able to reciprocate the Norwegian systemic risk buffer in a way and at a level that took account of any overlap or difference in the capital requirements applicable in their Member State and Norway. Directive (EU) 2019/878 has since been incorporated in the EEA Agreement and is now also applicable in Norway.

⁽¹³⁾ Recommendation ESRB/2021/3 of the European Systemic Risk Board of 30 April 2021 amending Recommendation ESRB/2015/2 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (OJ C 222, 11.6.2021, p. 1).

Therefore, any reference to Directive (EU) 2019/878 should be removed from Recommendation ESRB/2015/2. Moreover, the ESRB has not found any evidence that the systemic risk buffer rate, as reset by the Norwegian authorities, is fully or partially duplicating the functioning of the other systemically important institutions (O-SII) buffer provided for in Article 131 of Directive 2013/36/EU.

- (13) This amendment to Recommendation ESRB/2015/2 does not affect the continuity of recommending the reciprocation of the national macroprudential measures activated by the Norwegian authorities on 31 December 2020, as set out in Recommendation ESRB/2021/3. The current amendments to Recommendation ESRB/2015/2, except the lowering of the threshold for voluntary reciprocation of the systemic risk buffer and the extension of the phase-in period for the systemic risk buffer for credit institutions that do not use the advanced IRB approach, are of an editorial nature. Therefore, a renewed transition period for the recognition of the Norwegian measures, as described in Recommendation ESRB/2021/3, is not recommended. The standard three-month transition period following the publication of this Recommendation in the *Official Journal of the European Union* is only applicable to measures, or amendments thereto, reciprocating the systemic risk buffer that national authorities have to adopt due to the lowering of the materiality threshold.
- (14) Therefore, Recommendation ESRB/2015/2 should be amended accordingly,

HAS ADOPTED THIS RECOMMENDATION

Amendments

Recommendation ESRB/2015/2 is amended as follows:

- (1) in Section 1, sub-recommendation C(1), the measures under Norway are replaced by the following:

- a 4,5 % systemic risk buffer rate for all exposures located in Norway, under Article 133 of Directive 2013/36/EU, as applicable to and in Norway as of 31 December 2022 pursuant to the terms of the Agreement on the European Economic Area (*) (EEA Agreement) (hereinafter the 'CRD as applicable to and in Norway as of 31 December 2022'), to all credit institutions authorised in Norway;
- a 20 % floor for (exposure-weighted) average risk weights for exposures to residential real estate located in Norway, under Article 458(2)(d)(iv) of Regulation (EU) No 575/2013, as applicable to and in Norway as of 31 December 2022 pursuant to the terms of the EEA Agreement (hereinafter the 'CRR as applicable to and in Norway as of 31 December 2022'), to credit institutions authorised in Norway using the internal ratings-based (IRB) approach for calculating regulatory capital requirements;
- a 35 % floor for (exposure-weighted) average risk weights for exposures to commercial real estate located in Norway, pursuant to Article 458(2)(d)(iv) of the CRR as applicable to and in Norway as of 31 December 2022, to credit institutions authorised in Norway using the IRB approach for calculating regulatory capital requirements.

(*) OJ L 1, 3.1.1994, p. 3;

- (2) the Annex is amended in accordance with the Annex to this Recommendation.

Done at Frankfurt am Main, 6 March 2023.

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

ANNEX

The Annex to Recommendation ESRB/2015/2 is amended as follows:

1. the measures under Norway are replaced by the following:

- a 4,5 % systemic risk buffer rate for exposures located in Norway, under Article 133 of Directive 2013/36/EU, as applicable to and in Norway as of 31 December 2022 pursuant to the terms of the Agreement on the European Economic Area (EEA Agreement) (hereinafter the 'CRD as applicable to and in Norway as of 31 December 2022), to all credit institutions authorised in Norway;
- a 20 % floor for (exposure-weighted) average risk weights for exposures to residential real estate located in Norway, under Article 458(2)(d)(iv) of Regulation (EU) No 575/2013, as applicable to and in Norway as of 31 December 2022 pursuant to the terms of the EEA Agreement (hereinafter the 'CRR as applicable to and in Norway on 31 December 2022), to credit institutions authorised in Norway using the internal ratings-based (IRB) approach for calculating regulatory capital requirements;
- a 35 % floor for (exposure-weighted) risk weights for exposures to commercial real estate located in Norway, pursuant to Article 458(2)(d)(iv) of the CRR as applicable to and in Norway as of 31 December 2022, to credit institutions authorised in Norway using the IRB approach for calculating regulatory capital requirements.;

2. I. Description of the measures is amended as follows:

(a) paragraph 1 is replaced by the following:

- '1. With effect from 31 December 2020, Finansdepartementet (the Norwegian Ministry of Finance) introduced three macroprudential measures, namely (i) a systemic risk buffer for exposures located in Norway, pursuant to Article 133 of the CRD as applicable to and in Norway as of 31 December 2022; (ii) a risk weight floor for exposures to residential real estate located in Norway, pursuant to Article 458(2)(d)(iv) of the CRR as applicable to and in Norway as of 31 December 2022; and (iii) a risk weight floor for exposures to commercial real estate located in Norway, pursuant to Article 458(2)(d)(iv) of the CRR as applicable to and in Norway as of 31 December 2022.;

(b) in paragraph 2 '31 December 2022' is replaced by '30 December 2023';

3. II. Reciprocation is amended as follows:

(a) paragraph 5 is replaced by the following:

- '5a. Relevant authorities are recommended to reciprocate the Norwegian measures for exposures located in Norway in accordance with Article 134(1) of Directive 2013/36/EU and with Article 458(5) of Regulation (EU) No 575/2013, respectively. Relevant authorities are recommended to reciprocate the systemic risk buffer rate within 18 months following the publication of Recommendation ESRB/2021/3 of the European Systemic Risk Board (***) in the *Official Journal of the European Union*. The risk weight floors for residential and commercial real estate exposures in Norway should be reciprocated within the standard three-month transition period following the publication of Recommendation ESRB/2021/3 in the *Official Journal of the European Union*.

- 5b. As the lowering of the materiality threshold as referred to in Recommendation ESRB/2023/1 of the European Systemic Risk Board (***) might require a relevant authority to adopt a new national reciprocating measure or amend existing national measures reciprocating the Norwegian systemic risk buffer measure, the standard three-month transition period following the publication of Recommendation ESRB/2023/1 in the *Official Journal of the European Union* for the implementation of reciprocating measures applies.

(**) OJ C 222, 11.6.2021, p. 1.

(***) Not yet published in the Official Journal.;

(b) paragraph 6 is replaced by the following:

‘6. If the same macroprudential policy measures are not available in their jurisdiction, in accordance with sub-recommendation C(2), the relevant authorities are recommended to apply, following consultation with the ESRB, macroprudential policy measures available in their jurisdiction that have the most equivalent effect to the above measures recommended for reciprocity. The relevant authorities are recommended to adopt the equivalent measures for the reciprocity of average risk weight floors for residential and commercial real estate exposures within 12 months and for the reciprocity of the systemic risk buffer rate within 18 months, respectively, following the publication of Recommendation ESRB/2021/3 in the *Official Journal of the European Union*. To the extent that the lowering of the materiality threshold requires a relevant authority to adopt a new national reciprocating measure as described in this subparagraph or amend existing national measures reciprocating the Norwegian systemic risk buffer measure, the standard three-month transition period following the publication of Recommendation ESRB/2023/1 in the *Official Journal of the European Union* for the implementation of reciprocating measures applies.’;

(c) paragraph 7 is deleted;

4. in III. Materiality threshold, paragraph 8, point (a), is replaced by the following:

‘(a) for the systemic risk buffer, the materiality threshold is set at a risk-weighted exposure amount of NOK 5 billion, which corresponds to around 0,16 % of total risk-weighted exposures of credit institutions reporting in Norway.’;

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

3 May 2023

(2023/C 158/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1043	CAD	Canadian dollar	1,5045
JPY	Japanese yen	149,66	HKD	Hong Kong dollar	8,6687
DKK	Danish krone	7,4514	NZD	New Zealand dollar	1,7717
GBP	Pound sterling	0,88265	SGD	Singapore dollar	1,4704
SEK	Swedish krona	11,3265	KRW	South Korean won	1 472,70
CHF	Swiss franc	0,9809	ZAR	South African rand	20,1657
ISK	Iceland króna	150,10	CNY	Chinese yuan renminbi	7,6330
NOK	Norwegian krone	11,8860	IDR	Indonesian rupiah	16 211,37
BGN	Bulgarian lev	1,9558	MYR	Malaysian ringgit	4,9174
CZK	Czech koruna	23,559	PHP	Philippine peso	61,083
HUF	Hungarian forint	375,63	RUB	Russian rouble	
PLN	Polish zloty	4,5820	THB	Thai baht	37,524
RON	Romanian leu	4,9302	BRL	Brazilian real	5,5521
TRY	Turkish lira	21,5057	MXN	Mexican peso	19,8311
AUD	Australian dollar	1,6564	INR	Indian rupee	90,3465

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

V

(Announcements)

COURT PROCEEDINGS

EFTA COURT

**Request for an Advisory Opinion from the EFTA Court by the Fürstliches Obergericht dated
25 October 2022 in the case of Alexander Amann****(Case E-14/22)**

(2023/C 158/03)

A request has been made to the EFTA Court, dated 25 October 2022, from the Fürstliches Obergericht (Princely Court of Appeal), which was received at the Court Registry on 16 November 2022, for an Advisory Opinion in the case of Alexander Amann on the following questions:

1. Does Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market preclude a provision such as Paragraph 35(1)(c) of the Professional Guidelines of the Liechtenstein Chamber of Lawyers which prohibits lawyers from offering professional services to specific categories of potential clients and which is to be construed, in accordance with the interpretation adopted by the Liechtenstein Staatsgerichtshof (Constitutional Court), as ‘prohibiting proactive advertising by lawyers where they offer their services in certain situations to selected (groups of) people who have not themselves expressed an interest in those services’?
2. Is Article 24(1) of Directive 2006/123/EC to be interpreted as meaning that a national provision may not, in general, prohibit lawyers from, on their own initiative, contacting by letter potential clients who were not previously their customers, after ascertaining their personal addresses, and from offering them their services, in particular by bringing an action for damages in a case of damage affecting them as best only as investors?

JUDGMENT OF THE COURT**of 24 January 2023****in Case E-1/22****G. Modiano Limited and Standard Wool (UK) Limited v the EFTA Surveillance Authority**

State aid – Norwegian Wool Subsidy Scheme – Action for annulment of a decision of the EFTA Surveillance Authority – Rejection of a complaint – Decision taken at the end of the preliminary examination stage – Statement of reasons – No substantial alteration of existing aid)

(2023/C 158/04)

In Case E-1/22, G. Modiano Limited and Standard Wool (UK) Limited v the EFTA Surveillance Authority – APPLICATION seeking the annulment of the EFTA Surveillance Authority Decision in Case No 84045 of 9 November 2021, the Norwegian Wool Subsidy System, the Court, composed of Páll Hreinsson, President (Judge-Rapporteur), Bernd Hammermann and Ola Mestad (ad hoc), Judges, gave judgment on 24 January 2023, the operative part of which is as follows:

The Court hereby:

1. Dismisses the action in its entirety;
2. Orders G. Modiano Limited and Standard Wool (UK) Limited to bear their own costs and to pay jointly and severally the costs incurred by the EFTA Surveillance Authority.

JUDGMENT OF THE COURT**of 24 January 2023****in Case E-5/22****Christian Maitz v Liechtensteinische Alters- und Hinterlassenenversicherung, Liechtensteinische Invalidenversicherung, and Liechtensteinische Familienausgleichskasse**

(Social security – Regulation (EC) No 883/2004 – Regulation (EC) No 987/2009 – Residence in a third country – Self-employed person – Applicability of EEA law – Recommendation of the Administrative Commission – Article 3 EEA – Principle of sincere cooperation)

(2023/C 158/05)

In Case E-5/22, Christian Maitz v Liechtensteinische Alters- und Hinterlassenenversicherung, Liechtensteinische Invalidenversicherung, and Liechtensteinische Familienausgleichskasse – REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by the Princely Court of Appeal (*Fürstliches Obergericht*), concerning the interpretation of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, the Court, composed of Páll Hreinsson, President (Judge-Rapporteur), Bernd Hammermann and Ola Mestad (ad hoc), Judges, gave judgment on 24 January 2023, the operative part of which is as follows:

1. It is not a condition under Article 2(1) of Regulation (EC) No 883/2004 on the coordination of social security systems for nationals of an EEA State to also be resident in an EEA State in order to be covered by the personal scope of that regulation.

An agreement concluded by an EEA State with a third country, which aims to extend the scope of application of Regulation (EC) No 883/2004 to that third country, cannot impose the residence of an individual as a condition deviating from Articles 2(1) and 11 of that regulation.

2. Article 19(2) of Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 must be interpreted as not requiring an attestation to be issued exclusively in the form of a Portable Document A1 in order to produce the legal effects set out in Article 5(1) of that regulation.
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OTHER ACTS

EUROPEAN COMMISSION

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

(2023/C 158/06)

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

SINGLE DOCUMENT

‘Ciliegia di Lari’

EU No: PGI-IT-02855 - 30.6.2022

PDO () PGI (X)

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

‘Ciliegia di Lari’

2. Member State or Third Country

Italy

3. Description of the agricultural product or foodstuff**3.1. Type of product [as in Annex XI]**

Class 1.6. Fruit, vegetables and cereals, fresh or processed

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

The Protected Geographical Indication ‘Ciliegia di Lari’ refers to the fruit of the sweet cherry *Prunus avium* L, of the *Rosaceae* family. It covers a wide range of varieties, from the delicately fleshed to the firm and crunchy, with shiny skins ranging from bright to dark red in colour. There are also assorted local varieties, which broaden the range available to consumers and offer further qualities. The varieties are:

Adriana, Big star, Bigarreau Moreau, Bigarreau Burlat, Bigarreau Napoleon, Black star, Celeste, Durone di Vignola, Early bigi, Early Korvik, Early star, Folfer, Ferrovia, Giorgia, Grace star, Isabella, Kordia, Kossara, Lala star, Lapins, Lory strong, New star, Prime Giant, Regina, Rita, Rocket, Sabrina, Samba, Sandra, Sylvia, SMS 280, Stella, Summer charm, Sunburst, Sweet Early, Sweet Heart, Van, Vera, Frisco, Royal Helen, Red Pacific, Nimba, Marysa, Durone giallo, Bella di Pistoia and Durone nero I.

(¹) OJ L 343, 14.12.2012, p. 1.

Local and traditional cultivars: Crognolo, Cuore, Del Paretaio, Di Giardino, Di Nello, Di Guglielmo, Gambolungo, Marchiana, Morella, Papalina, Orlando, Precoce di Cevoli, Siso and Usigliano.

When made available for consumption, the Protected Geographical Indication 'Ciliegia di Lari' must have the following characteristics:

Quality characteristics

naturally sweet and fruity flavour

- stalks attached to the fruit
- degrees Brix not less than 14 °.

Size

Fruit intended to be eaten fresh must be a minimum of 22 mm in size, with the exception of fruit of local or traditional varieties, for which the minimum size is 13 mm.

Health-related and aesthetic characteristics of the fruit

- whole and undamaged
- clean, free of any visible foreign matter
- healthy, free of mould and visible residues of plant-health products
- free of pests.

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

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

'Ciliegia di Lari' must be grown in the area defined in point 4.

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

'Ciliegia di Lari' can be made available for consumption in packaging sealed in such a way that, once opened, it cannot be re-used.

Cherries intended for processing, which cannot be made available to the end consumer as fresh fruit, can be sold in bulk.

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

All packaging must bear the following indications:

- a) CILIEGA DI LARI PGI
- b) 'Ciliegia di Lari' logo, described below
- c) The European PGI logo in the same field of vision as the logo referred to above, point (b);
- d) (business) name and address of the packer.

The use of indications referring to companies, names, business names, private trademarks and consortia is also permitted, provided they have no laudatory purport and are not likely to mislead the purchaser or consumer.

In the case of cherries intended for processing, in addition to the information legally required, at least one side of the packaging or container must bear the words 'Ciliegia di Lari PGI for processing' in clearly legible characters. The 'Ciliegia di Lari' logo is as follows:



The size of the logo can vary according to the packaging, but the standard dimensions must remain in proportion.

4. Concise definition of the geographical area

The production area of the Protected Geographical Indication 'Ciliegia di Lari' comprises the administrative territory of the following municipalities: Casciana Terme – Lari, Terricciola and Crespina-Lorenzana.

5. Link with the geographical area

The application for recognition of 'Ciliegia di Lari' is based on historical reputation, founded on the product's quality. This is due to specific aspects of the geographical area which are beneficial to the cultivation of cherry trees. These include soil and climate, agricultural, social, cultural and economic factors. The interaction of these factors has established the reputation of the product as linked to the place, to the extent that it has become identified with the name of Lari.

The long history of the production of 'Ciliegia di Lari' has created a close relationship with consumers. They appreciate the particular distinctive quality: natural sweetness. At the point of sale, consumers accept that the price is higher than for cherries from elsewhere.

The demarcated geographical area referred to in point 4 has always been an area of significant cherry production, as shown by historical and recent studies and surveys (M. Basso , S. Natali,1959; A. Funghi, 2004; various authors, edited by R. Massai, 2013).

The production area of 'Ciliegia di Lari' is characterised by soils and climate conditions which are particularly suited to cultivating cherry trees. These factors directly influence the quality of the fruit, attributable to its natural sweetness (degrees Brix).

The soil textures together with temperature and rainfall patterns are the two factors that characterise the production area of 'Ciliegia di Lari' and are capable of influencing the quality of the fruit: sweetness expressed in degrees Brix.

- The physical characteristics of the area's agricultural soils, being composed of sand, silt and clay, thanks to the water resources they are typically able to store, allow growers to have trees with well-balanced development throughout all three phenological stages: flowering, fruit set and ripening. These stages are crucial for producing fruit with optimal sugar concentration (degrees Brix).
- The temperature and rainfall patterns of the production area are characterised by numerous factors which are beneficial in producing naturally sweet cherries, with no accompanying negative factors. The area is not especially affected by late frosts, which could inhibit flowering. The mild spring temperatures are accompanied by moderate rainfall, guaranteeing optimal flowering and fruit set. Similarly, the infrequent rainfall during the final stage of ripening limits any problems of cherries splitting.

- The cherry growing experience built up by the area's farmers over a long time has enabled them to draw the maximum benefit from matching the natural characteristics of the land with the potential of the different varieties - the essential combination for producing quality fruit.

The range of varieties permitted for 'Ciliegia di Lari' is broad and this is a result of the well-balanced way that producers have brought together the ability to adapt to the environment and the achievement of customer satisfaction, in other words: the sound and successful synergy between the cherries, the environment and the human resources.

The range of varieties runs from fruit with rather soft flesh to firm-fleshed fruit with 'bite', with skins ranging in colour from bright red to dark red. The range is further characterised by the inclusion of different local varieties that add to the choice available to consumers and offer further qualities (Roselli G., Mariotti P., *Il germoplasma del ciliegio* [The germplasm of the cherry tree] — 1. Provincia di Pisa, ARSIA e CNR Istituto sulla Propagazione delle Specie Legnose, Firenze, 1999).

'Ciliegia di Lari' in the media

Publications that mention 'Ciliegia di Lari' include: *L'Italia del biologico* [Organic Italy], 2002, page 86, Guida Touring Club italiano; Elena Tedeschi, *Toscana inconsueta. Appunti ed itinerari per viaggiare oltre* [Lesser-known Tuscany, notes and itineraries for journeys off the beaten track], 2017, goWare;

Frutta e Ortaggi in Italia [Fresh fruits and vegetables], 2005, Guida Touring Club italiano.

Reputation in the past and present. The newsreel distributed nationally in cinemas — *La settimana INCOM*, No 01925, 'Italy, Lari (Pisa): the fourth cherry festival', 26 May 1960, made by the INCOM film company, subsequently acquired by the Istituto Luce. The episode shows how the name 'Ciliegia di Lari' has been part of everyday speech and commercial parlance since then.

Still today, cherry production in the demarcated area is synonymous with goodness and sweetness. Therefore, the fruit is also recognisable to consumers at sales points in large retail chains where the product is sold under the name 'Ciliegia di Lari'.

All of these factors mean that consumers have identified, and continue to identify, the product of the demarcated area referred to in Article 3 above as 'Ciliegia di Lari'.

Historical background

As various authors have stated, the growing of 'Ciliegia di Lari' has ancient roots in the hills of Pisa. The experience of local farmers, passed down from generation to generation and supported by ongoing research and the implementation of specific cultivation techniques, has paved the way for the cultivation of 'Ciliegia di Lari' to become successfully established over time, becoming part of the historical, traditional and cultural heritage of an area of which Lari is the chief conservation and development hub.

Historically, various documents highlight the centuries-old culture and tradition of growing cherries in the demarcated areas referred to in Article 3. From the 18th century onwards, in the market under the arcade of Lari, which was one of the largest and most prestigious in the province of Pisa right up to the 1950s, the cherry was the product of choice. They were highly appreciated by wholesalers and consumers, both for their delicious taste and because they ripened early, factors which gave an extra boost to production, as did the fact that these cherries commanded a good price. (Tremolanti E., 'Profilo storico delle cultivar di ciliegio con particolare riguardo al territorio lorigiano' [Historical profile of cherry cultivars with special reference to the region of Lari], In *Spunti di Natura economica: cenni di storia di cerealicoltura, panificazione, viticoltura e cultivar di ciliegio* [Points of an economic nature: a brief history of cereal-growing, bread-making, viticulture and cherry cultivars] CLD Libri, Calcinaia (Pi), 2010).

In view of the economic and cultural importance of the cherry for Lari, thanks to the initiative of some local people, in 1957 the first 'Cherry Festival' was held in Lari. Without doubt, it is one of the oldest such events and the best known, attended by many hundreds of visitors. Since 1957, as many as 66 'Cherry Festivals of Lari' have been held, continuing without interruption to the present day. As well as being featured in a range of publications, this continuity shows the economic and cultural importance of the 'Ciliegia di Lari' for the area which has historically produced it.

Appreciation of the product as an ingredient is also apparent in the recipes for desserts that appear on the internet, for example on the websites *popcuisine.it* and *gazzettadelgusto.it*. There are also recipes published in cookbooks, such as *Il gelato a modo mio* [My way with ice-cream], Simone Bonini, Giunti 2016.

Reference to publication of the product specification

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

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

or alternatively:

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

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

(2023/C 158/07)

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

‘Vallée du Torgan’

PGI-FR-A1112-AM02

Date of communication: 24.2.2023

DESCRIPTION OF AND REASONS FOR THE APPROVED AMENDMENT

1. Area in immediate proximity

Chapter I, section 4.2 – Area in proximity – of the specification for the protected geographical indication ‘Vallée du Torgan’ has been amended. The list of municipalities making up the area in immediate proximity has been updated, without any changes, in accordance with the 2022 Official Geographical Code.

This editorial amendment allows the geographical area to be identified with reference to the 2022 version of the Official Geographical Code, which is updated by the National Institute of Statistics and Economic Studies (INSEE), and gives the delimitation of the geographical area legal certainty.

The single document has been updated at the point entitled ‘Further conditions – area in immediate proximity’.

2. Vine varieties

Chapter I, section 5 – Vine varieties – of the specification for the protected geographical indication ‘Vallée du Torgan’ has been amended. The list of varieties selected for the production of the protected geographical indication ‘Vallée du Torgan’ has been amended as follows:

— Introduction of 13 varieties considered to be ‘resistant’ to vine diseases:

Artaban N, Cabernet Blanc B, Cabernet Cortis N, Floréal B, Monarch N, Muscaris B, Prior N, Saphira B, Soreli B, Souvignier Gris Rs, Sauvignac B, Vidoc N, Voltis B.

— Introduction of 14 varieties with the potential to adapt to climate change:

Agiorgitiko N, Alvarinho B, Assyrtiko B, Calabrese N, Carricante B, Fiano B, Montepulciano N, Moschofilero Rs, Parrellada B, Primitivo N, Roditis Rs, Touriga Nacional N, Verdejo B, Xinomavro N.

These varieties are resistant to drought and fungal diseases. With similar physiological and oenological properties to the varieties used in the production of the PGI, they reduce the need for plant protection products. They do not affect the characteristics of the PGI wines.

⁽¹⁾ OJ L 9, 11.1.2019, p. 2.

— Deletion of the following grape varieties: Altesse B, Mondeuse N.

These amendments have been carried over to the 'Wine grape varieties' section of the single document.

3. **Inspection body**

Chapter III of the specification for the protected geographical indication 'Vallée du Torgan' has been amended to simplify the section entitled 'Inspection body', specifying that compliance with the product specification must be checked on the basis of an approved control plan and by a third-party body delegated by the INAO and offering guarantees of competence, impartiality and independence.

This simplification does not affect the single document.

SINGLE DOCUMENT

1. **Name(s)**

Vallée du Torgan

2. **Geographical indication type**

PGI - Protected geographical indication

3. **Categories of grapevine products**

1. Wine

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

BRIEF WRITTEN DESCRIPTION

The protected geographical indication 'Vallée du Torgan' covers still red, rosé, *gris*, *gris de gris* and white wines.

The term '*gris*' is used to refer to rosé wine that is very pale pink in colour. The term '*gris de gris*' is used to refer to '*gris*' wine made exclusively from 'G' grape varieties.

Wines bearing the protected geographical indication 'Vallée du Torgan' have a maximum volatile acidity content of 13,26 meq/l (0,65 g/l expressed as H₂SO₄), or 15,30 meq/l (0,75 g/l in H₂SO₄) in the case of wines for which malolactic fermentation is complete by the time they reach the bottling stage.

The (minimum or maximum) levels for total alcoholic strength by volume, total acidity, and total sulphur dioxide are those set by EU legislation.

The red wines have varying colour intensity. In terms of aroma and taste, they are Mediterranean in character, combining notes of red fruit and *garrigues*, which often develop spicy hints as they mature. The structure of the wines varies depending on age and wine-making profiles, but they tend to have fine, ripe tannins.

The rosés range from the palest grey in the case of the *gris de gris* wines, to deeper shades of pink depending on the grape varieties and maceration techniques used. These wines have the intense freshness that is characteristic of fruity or flowery notes.

The white wines are mostly pale yellow in colour. They are balanced, between unctuous and fresh, with strong fruity aromas, usually of white fruit such as peach or apricot.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	11
Minimum total acidity	
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

5. **Wine-making practices**

5.1. *Specific oenological practices*

All wine-making practices followed must comply with the requirements laid down at EU level and in the Rural and Maritime Fishing Code.

5.2. *Maximum yields*

1. Red wines

80 hectolitres per hectare

2. Rosé and white wines

90 hectolitres per hectare

6. **Demarcated geographical area**

The harvesting of the grapes and the production and development of wines bearing the 'Vallée du Torgan' PGI must take place in the territory of the following municipalities in the department of Aude: Paziols, Tuchan.

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

Agiorgitiko N

Alicante Henri Bouschet N

Alvarinho - Albariño

Artaban N

Assyrtiko B

Bourboulenc B - Doucillon blanc

Cabernet Blanc B

Cabernet Cortis N

Cabernet Franc N

Cabernet Sauvignon N

Calabrese N

Carignan N

Carignan blanc B

Carmenère N

Carricante

Chardonnay B

Chasan B

Chenanson N

Chenin B

Cinsaut N - Cinsault
Clairette B
Clairette rose Rs
Colombard B
Côt N - Malbec
Fiano
Floreale B
Gamay N
Gewürztraminer Rs
Grenache N
Grenache blanc B
Grenache gris G
Gros Manseng B
Macabeu B - Macabeo
Marsanne B
Marselan N
Mauzac B
Merlot N
Monarch N
Montepulciano
Morrastel N - Minustellu, Graciano
Moschofilero Rs
Mourvèdre N - Monastrell
Muscaris B
Muscat d'Alexandrie B - Muscat, Moscato
Muscat de Hambourg N - Muscat, Moscato
Muscat à petits grains blancs B – Muscat, Moscato
Muscat à petits grains rouges Rg - Muscat, Moscato
Nielluccio N - Nielluciu
Négrette N
Parrellada B
Petit Manseng B
Petit Verdot N
Pinot Blanc B
Pinot Gris G
Pinot Noir N
Piquepoul blanc B
Portan N
Primitivo N - Zinfandel
Prior N
Riesling B
Roditis Rs
Roussanne B
Saphira B

Sauvignac
Sauvignon B - Sauvignon blanc
Sauvignon Gris G - Fié gris
Semillon B
Soreli B
Souvignier Gris Rs
Sylvaner B
Syrah N - Shiraz
Tempranillo N
Terret blanc B
Touriga Nacional N
Ugni Blanc B
Verdejo B
Vermentino B - Rolle
Vidoc N
Viognier B
Voltis B
Xinomavro N

8. Description of the link(s)

8.1. Specificity of the geographical area and specificity of the product

Located some thirty kilometres from the Mediterranean Sea as the crow flies and east of the Massif des Corbières in the department of Aude, in the south of France (Languedoc-Roussillon), the geographical area comprises the communes of Tuchan and Paziols in the foothills of Mont Tauch (917 m). The landscape consists of a central, 'valley-like' area, surrounded by steep slopes. With over 1 200 hectares under vines in the two municipalities, vines are the main crop.

The northern boundary is marked by a narrow pass, after which the road continues towards Villeneuve. To the east, the Serre d'en Mouysset limestone plateau forms a barrier to the sea air. To the south, there is a very windy road towards the border with the Department of Pyrénées-Orientales. Finally, access to the west is through a steep gorge that follows the Verdoube river in the direction of the village of Cucugnan.

'Vallée du Torgan' PGI owes its name to the Torgan stream that flows down Mont Tauch and joins the Verdoube.

The complex geological history of this area has given rise to a great variety of soils. Of the twenty soils that have been thus defined, the most common are the schists in the north of the area, the calcareous colluvials or 'grèzes' in the foothills of Mont Tauch, the Triassic marls, the puddingstones or conglomerates formed by water-worn pebbles in the high areas of Paziols and east of Tuchan: they are all quite stony and of low to medium depth. Finally, the central area consists of gravelly terraces and deeper clay-limestone soils.

The climate is classified as being Mediterranean, and it is hot and dry. Annual precipitation is on average around 700 mm, with rainfall being concentrated on a limited number of days in autumn and spring, often taking the form of thunderstorms and heavy showers. Sunshine levels are significant. A strong northerly wind called the 'Tramontane' (up to 200 windy days a year) can make its presence felt for several days in a row, reaching speeds of more than 80 km/h. This dry wind helps combat mildew during the growing period and limits the risk of *Botrytis cinerea* during the harvest.

During the 19th century, winegrowing took precedence over other agricultural activities, in particular the cultivation of cereals and olive trees, which had been damaged by severe frosts during very harsh winters.

After the 1907 wine crisis the winegrowers came together, building the Tuchan cooperative winery in 1913 and the Paziols one in the following year. This area is particularly suitable to winegrowing.

In February 1987, '*vin de pays du Torgan*' was given recognition in five municipalities in the department. Since 1990, it has been limited to the two municipalities of Tuchan and Paziols for reasons of geographical consistency and product characteristics.

The vine varieties used to produce '*Vallée du Torgan*' PGI wines are adapted to the ecological conditions in the area: first of all, the traditional Mediterranean varieties Carignan and Grenache Noir, both of which are perfectly adapted to the severe water restriction during the summer and to the thin, shallow soils on the slopes. The range is completed by other traditional white and *gris* Grenache varieties, Maccabeu, Cinsault, Muscat d'Alexandrie and Muscat à petit grain.

Replanting work has been ongoing for the last 15 years, by selecting varieties that are particularly suited to the soil and climate in the area. Merlot has been playing a leading role so far. It has been planted on the deepest soils, in particular on an alluvial sector along the Verdoube river in Paziols. This enables the production of wines that add flexibility and finesse to the blends. Marselan (planted on slightly thinner soils) and Syrah provide strong aromas and complexity to the characteristics of the wines.

The strict rules governing production guarantee the ripeness of the grapes and the quality of the product.

The fact that the varieties are harvested at peak ripeness makes the wine more concentrated, while preserving the flexibility, freshness and intensity of the fruit. The wines are either single variety or blended.

Torgan wine production ranges from 5 000 hl to 10 000 hl per year, most of which is made by the Tuchan-Paziols cooperative winery and another private winery. The volumes produced are highly dependent on summer drought conditions.

The three colours of wine are produced, but reds account for the majority. The rosé wines are constantly being developed, with one original feature being the *gris de gris* wines, essentially produced from the Grenache *gris* grapes that are very common in the area.

8.2. Causal link between the specificity of the geographical area and the specificity of the product

'*Vallée du Torgan*' PGI wines have a strong identity which is derived from the specific characteristics of the production area. The low to medium depth of the soils, the markedly Mediterranean climate and the hilly vineyards located between 100 and 300 m above sea level ensure that vine vigour is controlled and that there is an average annual difference of about ten days for grape ripeness compared to coastal vineyards.

The warm, dry and strictly Mediterranean climate with abundant sunshine encourages the PGI varieties to ripen to perfection, resulting in reds with red fruit and *garrigue* aromas and fine, ripe tannins, as well as rosés, *gris* and white wines that strike a balance between unctuousness, freshness and aromatic expression.

'*Vallée du Torgan*' wine production also benefits from the initiative of companies with well-structured sales teams promoting these wines on the traditional French markets, to large retailers, as well as on export markets.

Thanks to this distribution network with strong links to the production area, '*Vallée du Torgan*' wines have earned a reputation over the last 20 years that allows them to plan on increasing their production to meet the needs of new markets.

As almost the only crops in this area, the vines are a hallmark of its landscape and drivers for the economy in the two municipalities.

The mosaic of small plot vineyards is a major contributor to ensuring areas are kept clear in a forest landscape that is prone to fires, thus playing a key role in biodiversity conservation.

All of the improvements made by the winegrowers over several generations have thus made it possible to promote wine tourism, which in turn enhances the reputation of the products and raises their profile.

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

Area in immediate proximity

Legal framework:

National legislation

Type of further condition:

Derogation concerning production in the demarcated geographical area

Description of the condition:

The area in immediate proximity, defined by derogation for the making and development of wines qualifying for the protected geographical indication 'Vallée du Torgan', comprises the following municipalities bordering the geographical area, based on the official Geographical Code in force as at 1 January 2022:

Department of Aude:

Albas, Albières, Auriac, Bouisse, Cascastel-des-Corbières, Coustouge, Cucugnan, Davejean, Dernacueillette, Duilhac-sous-Peyrepertuse, Durban-Corbières, Embres-et-Castelmaure, Félines-Termenès, Fontjoncouse, Fraissé-des-Corbières, Jonquières, Lairière, Lanet, Laroque-de-Fa, Maisons, Massac, Montgaillard, Montjoi, Mouthoumet, Padern, Palairac, Quintillan, Rouffiac-des-Corbières, Saint-Jean-de-Barrou, Saint-Laurent-de-la-Cabrerisse, Salza, Soulatgé, Termes, Thézan-des-Corbières, Vigneville, Villeneuve-les-Corbières, Villeroque-Termenès, Villesèque-des-Corbières.

Department of Pyrénées-Orientales:

Ansignan, Bélesta, Caramany, Cases-de-Pène, Cassagnes, Caudiès-de-Fenouillèdes, Espira-de-l'Agly, Estagel, Fenouillet, Fosse, Lansac, Latour-de-France, Lesquerde, Maury, Montner, Opoul-Périllos, Peyrestortes, Pia, Planèzes, Prugnanes, Rasiguères, Rivesaltes, Saint-Arnac, Saint-Martin-de-Fenouillet, Saint-Paul-de-Fenouillet, Salses-le-Château, Tautavel, Vingrau, Vira.

Legal framework:

National legislation

Type of further condition:

Additional provisions relating to labelling

Description of the condition:

The protected geographical indication 'Vallée du Torgan' may be supplemented by the name of one or more grape varieties.

The protected geographical indication 'Vallée du Torgan' may be supplemented by the terms 'primeur' or 'nouveau'.

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

Link to the product specification

https://info.agriculture.gouv.fr/gedei/site/bo-agri/document_administratif-5e316de2-332d-4137-9b0b-d3174f0bbdec

Notice for the attention of Maulawi Rajab and Sultan Aziz Azam, whose names were added to the list referred to in Articles 2, 3 and 7 of Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations, by virtue of Commission Implementing Regulation (EU) 2023/908

(2023/C 158/08)

1. Council Decision (CFSP) 2016/1693 ⁽¹⁾ calls upon the Union to freeze the funds and economic resources of the members of the ISIL (Da'esh) and Al-Qaida organisations and other individuals, groups, undertakings and entities associated with them, as referred to in the list drawn up pursuant to UNSCR 1267(1999), 1333(2000) and 2253 (2015) to be updated regularly by the UN Committee established pursuant to UNSCR 1267(1999) ('the Sanctions Committee').

The list drawn up by this UN Committee comprises:

- ISIL (Da'esh) and Al Qaida;
- natural or legal persons, entities, bodies and groups associated with ISIL (Da'esh) and Al Qaida; and
- legal persons, entities and bodies owned or controlled by, or otherwise supporting, any of these associated persons, entities, bodies and groups.

Acts or activities indicating that an individual, group, undertaking, or entity is 'associated with' ISIL (Da'esh) and Al-Qaida include:

- (a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh) and Al Qaida, or any cell, affiliate, splinter group or derivative thereof;
- (b) supplying, selling or transferring arms and related materiel to any of them;
- (c) recruiting for any of them; or
- (d) otherwise supporting acts or activities of any of them.

2. The Sanctions Committee enacted on 26 April 2023 the addition of the entries of Maulawi Rajab and Sultan Aziz Azam to the ISIL (Da'esh) and Al-Qaida Sanctions Committee's list.

Maulawi Rajab and Sultan Aziz Azam may submit at any time a request to the UN Ombudsperson, together with any supporting documentation, for the decision to include him in the UN list referred to above, to be reconsidered. Such requests should be sent to the following address:

United Nations - Office of the Ombudsperson
Room DC2-2206
New York, NY 10017
UNITED STATES OF AMERICA

Tel. +1 2129632671

Fax +1 2129631300/3778

Email: ombudsperson@un.org

See for more information at

https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/procedures-for-delisting

⁽¹⁾ OJ L 255, 21.9.2016, p. 25.

3. Further to the UN decision referred to in paragraph 2, the Commission has adopted Implementing Regulation (EU) 2023/908 ⁽²⁾, which amends Annex I to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations ⁽³⁾. The amendment, made pursuant to Article 7(1)(a) and 7a(1) of Regulation (EC) No 881/2002, adds the names of Maulawi Rajab and Sultan Aziz Azam to the list in Annex I of that Regulation ('Annex I').

The following measures of Regulation (EC) No 881/2002 apply to the individuals and entities included in Annex I:

- (1) the freezing of all funds and economic resources belonging to, owned, held or controlled, directly or indirectly, by the individuals and entities listed in Annex I including by a third party acting on their behalf or at their direction and the prohibition (on everyone) on making funds and economic resources available, whether directly or indirectly, to or for the benefit of any of the individuals and entities listed (Articles 2 and 2a); and
- (2) the prohibition on providing, directly or indirectly, technical advice, assistance or training related to military activities, including in particular training and assistance related to the manufacture, maintenance and use of arms and related materiel of all types, to any of the individuals and entities listed in Annex I (Article 3).

4. Article 7a of Regulation (EC) No 881/2002 provides for a review process where the listed person or entity has an opportunity to express his, her or its views on the matter. Where observations are submitted, the Commission reviews its decision to include the person or entity in Annex I of Regulation (EC) No 881/2002 in the light of those observations. Individuals and entities added to Annex I by Implementing Regulation (EU) 2023/908 may make a request to the Commission for the grounds for their listing to be communicated to them. This request and eventual observations should be sent to:

European Commission
'Restrictive measures'
Rue Joseph II 54
1049 Bruxelles/ Brussel
BELGIQUE/BELGIË

5. The attention of the individuals and entities concerned is also drawn to the possibility of challenging Implementing Regulation (EU) No 2023/908 before the General Court of the European Union, in accordance with the conditions laid down in the fourth and sixth paragraphs of Article 263 of the Treaty on the Functioning of the European Union.

6. For good order, the attention of the individuals and entities included in Annex I is drawn to the possibility of making an application to the competent authorities in the relevant Member State(s), as listed in Annex II to Regulation (EC) No 881/2002, in order to obtain an authorisation to use frozen funds and economic resources for essential needs or specific payments in accordance with Article 2a of that Regulation.

⁽²⁾ OJ L 116, 4.5.2023, p. 10.

⁽³⁾ OJ L 139, 29.5.2002, p. 9.

CORRIGENDA**Corrigendum to Council Decision of 21 March 2023 appointing an alternate member of the Advisory Committee on Safety and Health at Work for Denmark**

(Official Journal of the European Union C 109 of 24 March 2023)

(2023/C 158/09)

On page 71, Article 1:

for: 'I. GOVERNMENT REPRESENTATIVES',

read: 'II. TRADE UNION REPRESENTATIVES'.

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