

Official Journal of the European Union

C 188



English edition

Information and Notices

Volume 57

20 June 2014

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I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

EUROPEAN CENTRAL BANK

Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank

(ECB/2014/13)

(presented by the European Central Bank)

(2014/C 188/01)

EXPLANATORY MEMORANDUM

I. INTRODUCTION

On 23 November 1998, the Council of the European Union adopted Council Regulation (EC) No 2533/98⁽¹⁾. In line with Article 107(6) of the Treaty establishing the European Community, the ECB previously submitted Recommendation ECB/1998/10⁽²⁾ to the Council. Thereafter, the ECB also submitted Recommendation ECB/2008/9⁽³⁾ which preceded the adoption of Council Regulation (EC) No 951/2009⁽⁴⁾. It is therefore appropriate to follow the same procedure as currently provided for in Article 129(4) of the Treaty on the Functioning of the European Union, and to introduce the proposed amendments to Regulation (EC) No 2533/98.

II. COMMENTS ON THE ARTICLES

Use of statistical information for the performance of supervision functions

In order to minimise the reporting burden, and so that data only needs to be collected once, pursuant to Article 8(1)(d) of Regulation (EC) No 2533/98 national central banks (NCBs) are currently authorised to use confidential statistical information for the performance of their functions in the field of supervision. It should be specified that the ECB, on which specific functions in the field of prudential supervision of credit institutions have been conferred by Council Regulation (EU) No 1024/2013⁽⁵⁾, similarly to the NCBs on which specific functions in the field of prudential supervision have been conferred, may use confidential statistical information for the performance of these functions.

At the same time, it should be clarified that transmission of confidential statistical information between the ESCB members and other authorities of the Member States and the Union responsible for (a) the supervision of financial institutions, markets and infrastructures, and (b) the stability of the financial system, to the European Stability Mechanism (ESM) may take place to support the respective tasks. Authorities may include, inter alia, the competent authorities responsible for supervision and macro-prudential oversight, the European Supervisory Authorities⁽⁶⁾, the European Systemic Risk Board, as well as authorities authorised to resolve credit institutions.

⁽¹⁾ Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank (OJ L 318, 27.11.1998, p. 8).

⁽²⁾ Recommendation ECB/1998/10 for a Council Regulation (EC) concerning the collection of statistical information by the European Central Bank (OJ C 246, 6.8.1998, p. 12).

⁽³⁾ Recommendation ECB/2008/9 for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (OJ C 251, 3.10.2008, p. 1).

⁽⁴⁾ Council Regulation (EC) No 951/2009 of 9 October 2009 amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (OJ L 269, 14.10.2009, p. 1).

⁽⁵⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

⁽⁶⁾ The European Supervisory Authorities are the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority.

Recommendation for a**'COUNCIL REGULATION****amending Council Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 5.4 thereof,

Having regard to the Recommendation of the European Central Bank,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Commission,

Acting in accordance with the procedure laid down in Article 129(4) of the Treaty on the Functioning of the European Union and in Article 41 of the Statute of the European System of Central Banks and of the European Central Bank,

Whereas:

- (1) Council Regulation (EC) No 2533/98⁽¹⁾ is a key component in the legal framework supporting the statistical information collection tasks of the European Central Bank (ECB) assisted by the national central banks. The ECB has consistently relied on this Regulation to carry out and monitor the coordinated collection of statistical information necessary to undertake the tasks of the European System of Central Banks (ESCB), including the task of contributing to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system, as specified in Article 127(5) of the Treaty.
- (2) Council Regulation (EU) No 1024/2013⁽²⁾ confers on the ECB specific tasks concerning policies relating to the prudential supervision of credit institutions and the stability of the financial system within the Union and individual Member States.
- (3) To minimise the reporting burden on reporting agents and to enable proper performance of supervision of financial institutions, markets and infrastructures conferred on all competent authorities as well as a proper performance of the tasks conferred on authorities responsible for the protection of the stability of the financial system, it is necessary to amend Regulation (EC) No 2533/98 to enable the transmission and use of the statistical information collected by the ESCB between ESCB members and the relevant authorities. These authorities should include the competent authorities responsible for the supervision of financial institutions, markets and infrastructures and macro-prudential oversight, the European Supervisory Authorities⁽³⁾, the European Systemic Risk Board as well as authorities authorised to resolve credit institutions,

HAS ADOPTED THIS REGULATION:

Article 1

Specific amendments

Article 8 of Regulation (EC) No 2533/98 is amended as follows:

1. In paragraph 1, point (d) is replaced by the following text and the following point (e) is added:

“(d) as regards the ECB and national central banks, if the said statistical information is used in the field of prudential supervision;

⁽¹⁾ Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank (OJ L 318, 27.11.1998, p. 8).

⁽²⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

⁽³⁾ The European Supervisory Authorities are the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority.

- (e) as regards national central banks in accordance with Article 14.4 of the Statute, for the exercise of functions other than those specified in the Statute.”
2. In paragraph 4, point (a) is replaced by the following:
- “(a) to the extent and at the level of detail necessary for the performance of tasks of the ESCB referred to in the Treaty or tasks in the field of prudential supervision conferred on the members of the ESCB; or”
3. The following paragraph 4a is added:
- “4a The ESCB may transmit confidential statistical information to authorities or bodies of the Member States and the Union responsible for the supervision of financial institutions, markets and infrastructures or the stability of the financial system in accordance with Union or national law and to the European Stability Mechanism (ESM) to the extent and at the level of detail necessary for the performance of their respective tasks. Any further transmission thereafter must be explicitly authorised by the ESCB member that collected the confidential statistical information.”

Article 2

Final provisions

This Regulation shall enter into force on [date].

This Regulation shall be binding in its entirety and directly applicable in all Member States.’

Done at Frankfurt am Main, 21 March 2014.

The President of the ECB

Mario DRAGHI

II

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

EUROPEAN COMMISSION

COMMUNICATION FROM THE COMMISSION

**Criteria for the analysis of the compatibility with the internal market of State aid to
promote the execution of important projects of common European interest**

(2014/C 188/02)

1. INTRODUCTION

1. This communication gives guidance on the assessment under State aid rules of public financing of important projects of common European interest (IPCEIs).
2. IPCEIs may represent a very important contribution to economic growth, jobs and competitiveness for the Union industry and economy in view of their positive spillover effects on the internal market and the Union society.
3. IPCEIs make it possible to bring together knowledge, expertise, financial resources and economic actors throughout the Union, so as to overcome important market or systemic failures and societal challenges which could not otherwise be addressed. They are designed to bring together public and private sectors to undertake large-scale projects that provide significant benefits to the Union and its citizens.
4. IPCEIs can be relevant for all policies and actions that fulfil common European objectives, in particular as regards the Europe 2020 ⁽¹⁾ objectives, the Union's flagship initiatives and key areas for economic growth such as the Key Enabling Technologies ⁽²⁾ (KETs).
5. The State Aid Modernisation initiative (SAM) ⁽³⁾ calls for State aid to be directed towards objectives of common European interests in line with the priorities of the Europe 2020 agenda, so as to address market failures or other important systemic failures that hinder the promotion of growth and jobs and the development of an integrated, dynamic and competitive internal market. The deployment of IPCEIs often requires a significant participation from public authorities since the market would not otherwise finance such projects. In case public financing of such projects constitutes State aid, this communication sets out the applicable rules so as to ensure that the level playing field in the internal market is preserved.

⁽¹⁾ Communication from the Commission, Europe 2020, A strategy for smart, sustainable and inclusive growth, COM(2010) 2020 final, 3.3.2010.

⁽²⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — 'A European strategy for Key Enabling Technologies — A bridge to growth and jobs', COM(2012) 341 final, 26.6.2012.

⁽³⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — EU State Aid Modernisation (SAM) - COM(2012) 209 final, 8.5.2012.

6. Rules on public financing of IPCEIs are already laid down in the R & D&I Framework⁽¹⁾ and in the Guidelines on State aid for environmental protection⁽²⁾ which give guidance on the application of Article 107(3)(b) of the Treaty on the Functioning of the European Union (the Treaty). The SAM constitutes a good opportunity to update and consolidate the existing guidance in one single document so as to bring it into line with the Europe 2020 objectives and the SAM goals and to extend it to other fields where it could be of application. This communication therefore replaces any existing provisions on IPCEI. In this way, this communication provides Member States with dedicated and cross-disciplinary guidance aimed at encouraging the development of important collaborative projects that promote the common European interests.
7. Article 107(3)(b) of the Treaty provides that aid to promote the execution of an important project of common European interest may be considered to be compatible with the internal market. Accordingly, this Communication sets out guidance as to the criteria the Commission will apply for the assessment of State aid to promote the execution of IPCEIs. It first defines its scope and then provides a list of criteria which the Commission will use to assess the nature and the importance of such projects for the purposes of the application of Article 107(3)(b) of the Treaty. It then explains how the Commission will assess the compatibility of public financing of IPCEIs under State aid rules.
8. This Communication does not exclude the possibility that aid to promote the execution of IPCEIs may also be found compatible with the internal market on the basis of other Treaty provisions, notably Article 107(3)(c) of the Treaty and their implementing rules. The State aid framework is currently being modernised with a view to offering Member States greater possibilities to subsidise important projects which remedy market failures and cohesion challenges in different areas in order to promote sustainable growth and jobs. However, those provisions may not fully address the relevance, specificities and features of IPCEIs, which may require dedicated eligibility, compatibility and procedural provisions, which are set out in the this Communication.

2. SCOPE OF APPLICATION

9. This Communication applies to IPCEIs in all sectors of economic activity.
10. This Communication shall not apply to:
 - (a) measures involving aid to undertakings in difficulty, as defined by the rescue and restructuring guidelines⁽³⁾ or any successor guidelines, as amended or replaced;
 - (b) measures involving aid to undertakings which are subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market;
 - (c) aid measures which entail by themselves, by the conditions attached to them or by their financing method a non-severable violation of Union law⁽⁴⁾, in particular:
 - aid measures where the granting of aid is subject to the obligation for the beneficiary to have its headquarters in the relevant Member State or to be predominantly established in that Member State,
 - aid measures where the granting of aid is subject to the obligation for the beneficiary to use nationally produced goods or national services,

⁽¹⁾ Community Framework for State aid for Research and Development and Innovation (OJ C 323, 30.12.2006, p. 1).

⁽²⁾ Community guidelines on State aid for environmental protection (OJ C 82, 1.4.2008, p. 1).

⁽³⁾ Community guidelines on State aid for rescue and restructuring undertakings in difficulty (OJ C 244, 1.10.2004, p. 2). As explained in paragraph 20 of those guidelines, given that its very existence is in danger, a firm in difficulty cannot be considered an appropriate vehicle for promoting other public policy objectives until such time that its viability is assured.

⁽⁴⁾ See for instance Case C-156/98 *Germany v Commission* [2000] ECR I-6857, paragraph 78 and Case C-333/07 *Régie Networks v Rhone Alpes Bourgogne* [2008] ECR I-10807, paragraphs 94–116.

- aid measures restricting the possibility for the beneficiary to exploit the research, development and innovation results in other Member States.

3. ELIGIBILITY CRITERIA

11. In determining whether a project falls within Article 107(3)(b) of the Treaty, the following criteria will apply:

3.1 Definition of a project

12. The aid proposal concerns a single project which is clearly defined in respect of its objectives as well as the terms of its implementation, including its participants and its funding⁽¹⁾.
13. The Commission may also consider eligible an ‘integrated project’, that is to say, a group of single projects inserted in a common structure, roadmap or programme aiming at the same objective and based on a coherent systemic approach. The individual components of the integrated project may relate to separate levels of the supply chain but must be complementary and necessary for the achievement of the important European objective⁽²⁾.

3.2. Common European interest

3.2.1. General cumulative criteria

14. The project must contribute in a concrete, clear and identifiable manner to one or more Union objectives and must have a significant impact on competitiveness of the Union, sustainable growth, addressing societal challenges or value creation across the Union.
15. The project must represent an important contribution to the Union’s objectives, for instance by being of major importance for the Europe 2020 strategy, the European Research Area, the European strategy for KETs⁽³⁾, the Energy Strategy for Europe⁽⁴⁾, the 2030 framework for climate and energy policies⁽⁵⁾, the European Energy Security Strategy⁽⁶⁾, the Electronics Strategy for Europe, the Trans-European Transport and Energy networks, the Union’s flagship initiatives such as the Innovation Union⁽⁷⁾, Digital Agenda for Europe⁽⁸⁾, the Resource Efficient Europe⁽⁹⁾, or the Integrated Industrial Policy for the Globalisation Era⁽¹⁰⁾.

⁽¹⁾ In the case of research and development, when two or more projects are not clearly separable from each other and, in particular when they do not have independent probabilities of technological success, they must be considered as a single project. Aid for a project that merely leads to a change in the location of the project within the European Economic Area (EEA) without changing the nature, size or scope of the project, will not be considered compatible.

⁽²⁾ Hereafter a single project and an integrated project are referred to as a ‘project’.

⁽³⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — ‘A European strategy for Key Enabling Technologies — A bridge to growth and jobs’, COM(2012) 341 final, 26.6.2012.

⁽⁴⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — ‘Energy 2020 — A strategy for competitive, sustainable and secure energy’ — COM(2010) 639 final.

⁽⁵⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, ‘A policy framework for climate and energy in the period from 2020 to 2030’ — COM(2014) 15 final.

⁽⁶⁾ Communication from the Commission to the European Parliament and the Council, ‘European Energy Security Strategy’, COM(2014) 330 final.

⁽⁷⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — ‘Europe 2020 Flagship Initiative — Innovation Union’, COM(2010) 546 final, 6.10.2010.

⁽⁸⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — ‘A Digital Agenda for Europe’, COM(2010) 245 final, 26.8.2010.

⁽⁹⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — ‘A resource-efficient Europe — flagship initiative under the Europe 2020 strategy’, COM(2011) 21, 26.1.2011.

⁽¹⁰⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, ‘An Integrated Industrial Policy for the Globalisation Era — Putting Competitiveness and Sustainability as the Centre Stage’, COM(2010) 614 final, 28.10.2012.

16. The project must normally involve more than one Member State⁽¹⁾ and its benefits must not be confined to the financing Member States, but extend to a wide part of the Union. The benefits of the project must be clearly defined in a concrete and identifiable manner⁽²⁾.
17. The benefits of the project must not be limited to the undertakings or to the sector concerned but must be of wider relevance and application to the European economy or society through positive spillover effects (such as having systemic effects on multiple levels of the value chain, or up- or downstream markets, or having alternative uses in other sectors or modal shift) which are clearly defined in a concrete and identifiable manner.
18. The project must involve co-financing by the beneficiary.
19. The project must respect the principle of the phasing out of environmental harmful subsidies, recalled by the Resource Efficiency Roadmap⁽³⁾ as well as several Council conclusions⁽⁴⁾.

3.2.2. General positive indicators

20. In addition to the cumulative criteria in Section 3.2.1, the Commission will take a more favourable approach where:
 - (a) the project has been designed so as to make it possible for all interested Member States to participate, having regard to the type of project, the objective pursued and its financing needs;
 - (b) the design of the project involves the Commission or any legal body to which the Commission has delegated its powers, such as the European Investment Bank;
 - (c) the selection of the project involves the Commission or any legal body to which the Commission has delegated its power, provided that this body is acting in that purpose as an implementing structure;
 - (d) the governance structure of the project involves the Commission — or any legal body to which the Commission has delegated its powers — and several Member States;
 - (e) the project involves important collaborative interactions in terms of number of partners, involvement of organisations of different sectors, or the involvement of undertakings of different sizes;
 - (f) the project involves co-financing by a Union fund⁽⁵⁾.

3.2.3. Specific criteria

21. R & D&I projects must be of a major innovative nature or constitute an important added value in terms of R & D&I in the light of the state of the art in the sector concerned.
22. Projects comprising of industrial deployment must allow for the development of a new product or service with high research and innovation content and/or the deployment of a fundamentally innovative production process. Regular upgrades without an innovative dimension of existing facilities and the development of newer versions of existing products do not qualify as IPCEI.

⁽¹⁾ With the exception of interconnected research infrastructures and TEN-T projects that are of fundamentally transnational importance because they are part of a physically connected cross-border network or are essential to enhance cross-border traffic management or interoperability.

⁽²⁾ The mere fact that the project is carried out by undertakings in different countries, or that a research infrastructure is subsequently used by undertakings established in different Member States, is not sufficient for a project to qualify as an IPCEI. The Court has upheld the Commission's policy to consider that a project may be described as being of common European interest for the purposes of Article 107(3)(b) when it forms part of a transnational European programme supported jointly by a number of governments of the Member States, or arises from concerted action by a number of Member States to combat a common threat. Joined Cases C-62/87 and 72/87 *Exécutif régional wallon and SA Glaverbel v Commission* [1988] ECR 1573, paragraph 22.

⁽³⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Roadmap to a Resource Efficient Europe, COM(2011) 571 final of 20.9.2011.

⁽⁴⁾ For instance, the European Council Conclusions of 23 May 2013 confirmed the need to phase out environmentally or economically harmful subsidies, including for fossil fuels, to facilitate investments in new and intelligent energy infrastructure.

⁽⁵⁾ Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the Union that is not directly or indirectly under the control of the Member State does not constitute State aid.

23. Environmental, energy or transport projects must either be of great importance for the environmental, energy, including security of energy supply, or transport strategy of the Union or contribute significantly to the internal market, including, but not limited to those specific sectors.

3.3. Importance of the project

24. In order to qualify as an IPCEI, a project must be important quantitatively or qualitatively. It should either be particularly large in size or scope and/or imply a very considerable level of technological or financial risk.

4. COMPATIBILITY CRITERIA

25. When assessing the compatibility with the internal market of aid to promote the execution of an IPCEI on the basis of Article 107(3)(b) of the Treaty, the Commission will take into account the following criteria ⁽¹⁾.
26. The Commission will carry out a balancing test to assess whether the expected positive effects outweigh the possible negative effects as set out below.
27. In view of the nature of the project, the Commission may consider that the presence of a market failure or other important systemic failures, as well as the contribution to a common European interest, is presumed where the project fulfils the eligibility criteria set out in Section 3 above.

4.1. Necessity and proportionality of the aid

28. The aid must not subsidise the costs of a project that an undertaking would anyhow incur and must not compensate for the normal business risk of an economic activity. Without the aid the project's realisation should be impossible, or it should be realised in a smaller size or scope or in a different manner that would significantly restrict its expected benefits ⁽²⁾. Aid will only be considered proportionate if the same result could not be achieved with less aid.
29. The Member State must provide the Commission with adequate information concerning the aided project as well as a comprehensive description of the counterfactual scenario which corresponds to the situation where no aid is awarded by any Member State. The counterfactual scenario may consist in the absence of an alternative project or in a clearly defined and sufficiently predictable alternative project considered by the beneficiary in its internal decision-making, and may relate to an alternative project that is wholly or partly carried out outside the Union.
30. In the absence of an alternative project, the Commission will verify that the aid amount does not exceed the minimum necessary for the aided project to be sufficiently profitable, for example by making possible to achieve an IRR corresponding to the sector or firm specific benchmark or hurdle rate. Normal rates of return required by the beneficiary in other investment projects of a similar kind, its cost of capital as a whole or returns commonly observed in the industry concerned may also be used for this purpose. All relevant expected costs and benefits must be considered over the lifetime of the project.
31. The maximum aid level will be determined with regard to the identified funding gap in relation to the eligible costs. If justified by the funding gap analysis, the aid intensity could reach up to 100 % of the eligible costs. The funding gap refers to the difference between the positive and negative cash flows over the lifetime of the investment, discounted to their current value on the basis of an appropriate discount factor reflecting the rate of return necessary for the beneficiary to carry out the project notably in view of the risks involved. The eligible costs are those laid down in Annex ⁽³⁾.

⁽¹⁾ According to the Court of Justice, the Commission enjoys discretion as regards the assessment of the compatibility of IPCEIs. Joined Cases C-62/87 and 72/87 *Exécutif régional wallon and SA Glaverbel v Commission* [1988] ECR I 1573, paragraph 21.

⁽²⁾ The aid application must precede the starts of the works, which is either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies are not considered as start of works.

⁽³⁾ In case of an integrated project, the eligible costs must be detailed at the level of each individual project.

32. Where it is shown, for example by means of internal company documents, that the aid beneficiary faces a clear choice between carrying out either an aided project or an alternative one without aid, the Commission will compare the expected net present values of the investment in the aided project and the counterfactual project, account being taken of the probabilities of the different business scenarios occurring.
33. In its analysis, the Commission will take into consideration the following elements:
- (a) **specification of intended change:** the change in behaviour which is expected to result from the State aid, that is to say whether a new project is triggered, or the size, scope or speed of a project is enhanced, has to be well specified by the Member State. The change of behaviour has to be identified by comparing what would be the expected outcome and level of intended activity with and without aid. The difference between the two scenarios shows the impact of the aid measure and its incentive effect;
 - (b) **level of profitability:** where a project would not in itself be sufficiently profitable for a private undertaking to undertake, but would generate important benefits for the society, it is more likely that the aid has an incentive effect.
34. In order to address actual or potential direct or indirect distortions of international trade, the Commission may take account of the fact that, directly or indirectly, competitors located outside the Union have received (in the last three years) or are going to receive, aid of an equivalent intensity for similar projects. However, where distortions of international trade are likely to occur after more than three years, given the particular nature of the sector in question, the reference period may be extended accordingly. If at all possible, the Member State concerned will provide the Commission with sufficient information to enable it to assess the situation, in particular the need to take account of the competitive advantage enjoyed by a third country competitor. If the Commission does not have evidence concerning the awarded or proposed aid, it may also base its decision on circumstantial evidence.
35. When gathering evidence, the Commission may use its investigative powers ⁽¹⁾.
36. The choice of the aid instrument must be made with a view to the market failure or other important systemic failures which it seeks to address. For instance, where the underlying problem is lack of access to finance, Member States should normally resort to aid in the form of liquidity support, such as a loan or guarantee ⁽²⁾. Where it is also necessary to provide the undertaking with a certain degree of risk-sharing, a repayable advance should normally be the aid instrument of choice. Repayable aid instruments will generally be considered as a positive indicator.
37. The energy security and energy efficiency objectives must be taken into account in the analysis where relevant.
38. The Commission will consider more favourably projects that include a significant own contribution by the beneficiaries or by independent private investors. Contribution of tangible and intangible assets, as well as land, shall be accounted at market price.
39. The selection of beneficiaries through a competitive, transparent and non-discriminatory tender will be considered as a positive indicator.

4.2. Prevention of undue distortions of competition and balancing test

40. The Member State should provide evidence that the proposed aid measure constitutes the appropriate policy instrument to address the objective of the project. An aid measure will not be considered appropriate if other less distortive policy instruments or other less distortive types of aid instruments make it possible to achieve the same result.

⁽¹⁾ See Article 1(3) of Council Regulation (EU) No 734/2013 of 22 July 2013 amending Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 204, 31.7.2013, p. 15).

⁽²⁾ Aid in the form of guarantees must be limited in time, and aid in the form of loans must be subject to repayment periods.

41. For the aid to be compatible, the negative effects of the aid measure in terms of distortions of competition and impact on trade between Member States must be limited and outweighed by the positive effects in terms of contribution to the objective of the common European interest.
42. In assessing the negative effects of the aid measure, the Commission will focus its analysis on the foreseeable impact the aid may have on competition between undertakings in the product markets concerned, including up- or downstream markets, and on the risk of overcapacity.
43. The Commission will assess the risk of market foreclosure and dominance, in particular in case of absence of, or limited dissemination, of the research results. Projects involving the construction of an infrastructure ⁽¹⁾ must ensure open and non-discriminatory access to the infrastructure and non-discriminatory pricing ⁽²⁾.
44. The Commission will assess the potential negative effects on trade including the risk of a subsidy race between Member States that may arise in particular with respect to the choice of a location.

4.3. Transparency

45. Member States shall ensure the publication of the following information on a comprehensive State aid website, at national or regional level:
 - (a) the text of the aid measure and its implementing provisions, or a link to it;
 - (b) the identity of the granting authority or authorities;
 - (c) the identity of the individual beneficiary, the form and amount of the aid to each beneficiary, the date of granting, the type of undertaking (SME/large undertaking); the region in which the beneficiary is located (at NUTS level II); and the principal economic sector in which the beneficiary undertaking has its activities (at NACE group level) ⁽³⁾.
46. Such requirement can be waived with respect to individual aid awards below EUR 500 000. Such information must be published after the decision to grant the aid has been taken, must be kept for at least 10 years and must be available to the general public without restrictions ⁽⁴⁾. Member States will not be required to provide the abovementioned information before 1 July 2016.

5. FINAL PROVISIONS

5.1. Notification obligation

47. According to Article 108(3) of the Treaty, Member States must inform the Commission in advance of any plans to grant or alter State aid including aid for an IPCEI.
48. Member States involved in the same IPCEI are invited, whenever possible, to submit to the Commission a common notification.

5.2. Ex post evaluation and reporting

49. The execution of the project must be subject to regular reporting. Where appropriate, the Commission may ask for an *ex post* evaluation to be conducted.

5.3. Entry into force, validity and revision

50. This communication will be applied from 1 July 2014 until 31 December 2020.

⁽¹⁾ For avoidance of doubt, pilot lines are not considered as infrastructures.

⁽²⁾ Where the project involves an energy infrastructure, it shall be subject to the tariff and access regulation and to the unbundling requirements according to internal market legislation.

⁽³⁾ With the exception of business secrets and other confidential information in duly justified cases and subject to the Commission's agreement (Commission communication C(2003) 4582 on professional secrecy in State aid decisions (OJ C 297, 9.12.2003, p. 6)).

⁽⁴⁾ This information shall be published within 6 months from the date of granting. In case of unlawful aid, Member States will be required to ensure the publication of this information *ex post*, at least within 6 months from the date of the Commission decision. The information shall be available in a format which allows data to be searched, extracted, and easily published on the internet, for instance in CSV or XML format.

51. The Commission will apply the principles set out in this communication to all notified aid projects in respect of which it is called upon to take a decision after the communication has been published in the *Official Journal of the European Union*, even where the projects were notified prior to its publication.
52. In line with the Notice on the determination of the applicable rules for the assessment of unlawful State aid ⁽¹⁾, in the case of non-notified aid, the Commission will apply this communication if the aid was granted after its entry into force, and the rules in force at the time when the aid was granted in all other cases.
53. The Commission may decide to amend this communication at any time it is necessary for reasons associated with competition policy or to take account of other Union policies, international commitments, developments in the markets, or for any other justified reason.

⁽¹⁾ Commission notice on the determination of the applicable rules for the assessment of unlawful State aid (OJ C 119, 22.5.2002, p. 22).

ANNEX

ELIGIBLE COSTS

- (a) Feasibility studies, including preparatory technical studies, and the costs of obtaining the permissions necessary for the realisation of the project.
- (b) Costs of instruments and equipment (including installations and transport vehicles) to the extent and for the period used for the project. If such instruments and equipment are not used for their full life for the project, only the depreciation costs corresponding to the life of the project, as calculated on the basis of good accounting practice, are considered as eligible.
- (c) Costs of the acquisition (or construction) of buildings, infrastructure and land, to the extent and for the period used for the project. Where these costs are determined with regard to the commercial transfer value or the actually incurred capital costs, as opposed to the depreciation costs, the residual value of the land, building or infrastructure should be deducted from the funding gap, either *ex ante* or *ex post*.
- (d) Costs of other materials, supplies and similar products necessary for the project.
- (e) Costs for obtaining, validating and defending patents and other intangible assets. Costs of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions, as well as costs of consultancy and equivalent services used exclusively for the project.
- (f) Personnel and administrative costs (including overheads) directly incurred for the R & D&I activities, including those R & D&I activities related to first industrial deployment⁽¹⁾, or in the case of an infrastructure project, incurred during the construction of the infrastructure.
- (g) In case of aid to a project of first industrial deployment, the capital and operating expenditures (CAPEX and OPEX), as long as the industrial deployment follows on from an R & D&I activity⁽²⁾ and itself contains a very important R & D&I component which constitutes an integral and necessary element for the successful implementation of the project. The operating expenditures must be related to such component of the project.
- (h) Other costs may be accepted if justified, and where they are inextricably linked to the realisation of the project, to the exclusion of operating costs not covered by point (g).

⁽¹⁾ First industrial deployment refers to the upscaling of pilot facilities, or to the first-in-kind equipment and facilities which cover the steps subsequent to the pilot line including the testing phase, but neither mass production nor commercial activities.

⁽²⁾ The first industrial deployment does not need to be carried out by the same entity that carried out the R & D&I activity, as long as the former acquires the rights to use the results from the previous R & D&I activity, and the R & D&I activity and the first industrial deployment are both covered by the project and are notified together.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates⁽¹⁾

19 June 2014

(2014/C 188/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3620	CAD	Canadian dollar	1,4749
JPY	Japanese yen	138,82	HKD	Hong Kong dollar	10,5566
DKK	Danish krone	7,4564	NZD	New Zealand dollar	1,5622
GBP	Pound sterling	0,79985	SGD	Singapore dollar	1,7003
SEK	Swedish krona	9,0885	KRW	South Korean won	1 387,13
CHF	Swiss franc	1,2170	ZAR	South African rand	14,5054
ISK	Iceland króna		CNY	Chinese yuan renminbi	8,4881
NOK	Norwegian krone	8,3140	HRK	Croatian kuna	7,5755
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	16 254,03
CZK	Czech koruna	27,435	MYR	Malaysian ringgit	4,3813
HUF	Hungarian forint	305,31	PHP	Philippine peso	59,588
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	46,6940
PLN	Polish zloty	4,1326	THB	Thai baht	44,330
RON	Romanian leu	4,3940	BRL	Brazilian real	3,0426
TRY	Turkish lira	2,9025	MXN	Mexican peso	17,6774
AUD	Australian dollar	1,4478	INR	Indian rupee	81,7677

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

NOTICES FROM MEMBER STATES

United Kingdom Government notice concerning European Parliament and Council Directive 94/22/EC on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons

(Text with EEA relevance)

(2014/C 188/04)

Announcement of United Kingdom 14th Onshore (Landward) Oil and Gas Licensing Round

Department of Energy and Climate Change

The Petroleum Act 1998

Onshore (Landward) Licensing Round

1. The Secretary of State for Energy and Climate Change invites interested persons to apply for Petroleum Exploration and Development Licences in respect of certain acreage within the mainland of Great Britain. This is the 14th Round of Landward Licensing.
2. Full details of the offer, including maps of the acreage on offer and guidance about licences, the terms which those licences will include, and how to apply, are available on the gov.uk website: <https://www.gov.uk/oil-and-gas-licensing-rounds>
3. All applications will be determined in accordance with the terms of the Hydrocarbons Licensing Directive Regulations 1995 (S.I. 1995 No 1434) and against a background of the continuing need for expeditious, thorough, efficient and safe exploration to identify oil and gas resources within the mainland of Great Britain with due regard to environmental considerations.
4. Applications will be determined on the basis of the following criteria:
 - (a) the financial viability of the applicant and its financial capacity to carry out the activities that would be permitted under the licence during the initial term including the work programme submitted for evaluating the full potential of the area within the block or blocks applied for;
 - (b) the technical capability of the applicant to carry out activities that would be permitted under the licence during the initial term including the identification of hydrocarbon prospects within the block or blocks applied for. The technical capability will be assessed in part upon the quality of analysis related to the block or blocks applied for;
 - (c) the way in which the applicant proposes to carry out the activities that would be permitted under the licence including the quality of the work programme submitted for evaluating the full potential of the area applied for;
 - (d) where the applicant holds or has held a licence granted under or treated as having been granted under the Petroleum Act 1998, any lack of efficiency and responsibility displayed by the applicant in operations under that licence.
5. The applicants must submit an Environmental Awareness Statement of their understanding of the UK's onshore environmental legislation and the broad environmental sensitivities of the acreage being applied for.
6. The Secretary of State will not award a licence unless he is prepared to approve the applicant's choice of operator at the same time.

Guidance

7. Further guidance detailing the above which accompany this offer can be viewed on the gov.uk website: <https://www.gov.uk/oil-and-gas-licensing-rounds>

Licences

8. Where the Secretary of State offers a licence pursuant to this invitation, the offer will be made within 12 to 18 months of the date of this Notice.
9. The Secretary of State accepts no liability for any costs incurred by the applicant in considering or making its application.

Strategic Environmental Assessment

10. The Secretary of State has conducted a Strategic Environmental Assessment (SEA) pursuant to Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment of all of the areas to be offered in this Round. The assessment and other related documents can be found at the gov.uk website: <https://www.gov.uk/oil-and-gas-licensing-rounds>

The gov.uk website: <https://www.gov.uk/oil-and-gas-licensing-rounds>

Information communicated by Member States regarding closure of fisheries

(2014/C 188/05)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	22.5.2014
Duration	22.5.2014 - 31.12.2014
Member State	Denmark
Stock or Group of stocks	SAN/234_2
Species	Sandeel (<i>Ammodytes spp.</i>)
Zone	Union waters of sandeel management area 2
Type(s) of fishing vessels	—
Reference number	06/TQ43

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.7242 — Cargill/Copersucar/JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2014/C 188/06)

1. On 13 June 2014 the European Commission received a notification of a proposed concentration according to Article 4 Council Regulation (EC) No 139/2004⁽¹⁾ by which the undertakings Cargill, Incorporated ('Cargill', USA) and Copersucar S.A. ('Copersucar', Brazil) intend to acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company constituting a joint venture ('JV', Spain).
2. The business activities of the undertakings concerned are:
 - Cargill: is a privately held company active in the international production and marketing of food, and agricultural and risk management products and services,
 - Copersucar: is a privately held company, with its capital held by 24 production groups, which are active in sugar and ethanol production in Brazil,
 - JV: will combine Cargill's and Copersucar's global sugar trading businesses, it will be active in the trading of financial derivatives relating to sugar and physical sugar trading.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.7242 — Cargill/Copersucar/JV, to the following address:

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

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

OTHER ACTS

EUROPEAN COMMISSION

Publication of an amendment application 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

(2014/C 188/07)

This publication confers the right to oppose the amendment application, pursuant to Article 51 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽¹⁾.

AMENDMENT APPLICATION

COUNCIL REGULATION (EC) No 510/2006**on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾****AMENDMENT APPLICATION IN ACCORDANCE WITH ARTICLE 9****'MANTEQUILLA DE SORIA'****EC No: ES-PDO-0105-01110 — 19.4.2013****PGI () PDO (X)****1. Heading in the product specification affected by the amendment**

- Name of product
- Description of product
- Geographical area
- Proof of origin
- Method of production
- Link
- Labelling
- National requirements
- Other [to be specified]

2. Type of Amendment

- Amendment to Single Document or Summary Sheet
- Amendment to Specification of registered PDO or PGI for which neither the Single Document nor the Summary Sheet have been published.
- Amendment to Specification that requires no amendment to the published Single Document (Article 9(3) of Regulation (EC) No 510/2006).
- Temporary amendment to Specification resulting from imposition of obligatory sanitary or phytosanitary measures by public authorities (Article 9(4) of Regulation (EC) No 510/2006).

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p.12. Replaced by Regulation (EU) No 1151/2012.

3. Amendments

Proof of origin

This section has been redrafted to give a clearer description of the control procedures for guaranteeing the quality and origin of the butters concerned and unnecessary information has been deleted.

The requirements concerning initial assessment of the operators have been withdrawn in order to adapt it to the requirements of the Services Directive.

The requirements regarding authorisation and checking by the Regulatory Council have been deleted, so as not to place a restriction on freedom of movement.

Method of production

Point 1 of this section now includes a requirement regarding the feeding of the animals to be met by the holdings that produce the milk from which the PDO butter is made.

An error has been noticed in the description of the procedure for extracting the cream and this needs to be corrected. The opportunity has been taken to completely revise this section.

Thus, details concerning the internal control operations carried out by the plant when the milk is delivered have been deleted, as there is no need for them to be included in the Specification.

Various references to cooling via the use of plates have been deleted, as it is considered that the cooling method used is irrelevant, and the way is thus left open for possible technological progress in this area.

Some temperature ranges that were unnecessarily strict have been amended, for example for the conservation of the milk, the washing of the fat with water, etc. which were very small (2-4 °C), since the experts have confirmed that a range of 1 to 6 °C is sufficient to safeguard the product's properties throughout the production process, does not affect the final product and is more closely in line with the parameters of the technology and machinery used. Therefore it would be sufficient to set a maximum temperature of 6 °C.

As stated above, the paragraph describing the process for extracting the cream has been redrafted, as it contained errors. Thus, where it reads:

'The milk will undergo thermisation (heat treatment for 15 seconds at a temperature of 57 to 68 °C) using a plate heat exchanger, followed by centrifugation to skim and clean it. The cream, which is obtained at a temperature of 30 to 40 °C, must until it is pasteurised, have a fat content of 38 % to 45 % m/m and an acidity of less than 13 °Dornic. It will then be cooled and conserved at a temperature of between 2 and 4 °C, until it is pasteurised'.

Now read

'The milk undergoes thermisation to skim and clean it. During this process, at a temperature of 40 to 55 °C the cream is extracted by centrifugation. The cream must have a fat content of 38 % to 45 % m/m and an acidity of less than 13 °Dornic or equivalent. The cream is then cooled and conserved at a temperature of 6 °C or less, until it is pasteurised'.

The thermisation temperature (57 to 68 °C) is the temperature the milk reaches at the end, after the cream has been extracted, and therefore this parameter is not actually relevant either to obtaining the cream or to the subsequent process of making the butter. The temperature at which the cream is usually extracted is between 40 and 55 °C, which is the range recommended by the manufacturers of the equipment since it facilitates extraction and prevents the fat globules being broken by mechanical action, reducing lipase activity and slowing down decomposition processes. All this is endorsed by the following publications: 'Technology of dairy products' by Ralph Early (Blackie Academia & Professional), Chapter 7 — 'Cream pasteurization technology' — of IDF Bulletin No 271 'Pasteurization of Cream' by T. Bøgh-Sørensen, 'Tratamiento específico para diferentes tipos de nata' by Carlos Gandolfo (www.agrotterra.es) and Chapter 8 of the 'Dairy Processing Handbook' (Tetra Pak Processing Systems AB, 2003).

Likewise, the possibility of determining the acidity of the cream by other equally valid methods in the future is left open, such as measurement in pH units.

Regarding the pasteurisation of the cream, pasteurisation parameters have been deleted as they are inherent to the definition of this type of heat treatment, which is one of the critical control points for the industry.

Regarding the ripening of the cream, the requirement that when the cream's acidity reaches 18 to 28° Dornic the ripening process must be interrupted has been deleted, since the factor that determines when to slow down ripening is not the acidity value, but the time that has elapsed since the process began (12 to 15 hours) and therefore the time the ferments have been at work.

The requirement that the cream remain cold for four hours has also been deleted, as the approximate time needed for it to cool depends on the volume of the batch and therefore there is no fixed duration. In addition, during the time the cream remains in the tank the temperature will continue to be permanently checked so that it remains stable. There is no risk of deterioration linked to the time the cream remains in the tank.

The requirement that during the kneading stage the level of moisture in the butter must be tested using infrared scales has been deleted, so that other testing techniques can be used.

Labelling

The requirements regarding authorisation and checking by the Regulatory Council have been deleted, so as not to place a restriction on freedom of movement.

The picture of the product's logo has been included, although it is no longer mandatory for it to appear on the label.

National requirements:

Current legislation relating to protected designations of origin and protected geographical indications has been updated.

Inspection body

The inspection body is now the Instituto Tecnológico Agrario de Castilla y León, which is the competent authority.

The group requesting the proposed amendments is the 'Mantequilla de Soria' PDO Regulatory Council, which represents both the milk- and butter-producing sectors in the province of Soria and is considered to have a legitimate interest in the amendment of the Specification.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

on the protection of geographical indications and designations of origin for agricultural products and foodstuffs^(?)

'MANTEQUILLA DE SORIA'

EC No: ES-PDO-0105-01110 — 19.4.2013

PGI () PDO (X)

1. Name

'Mantequilla de Soria'

2. Member State or Third Country

Spain

3. Description of the agricultural product or foodstuff

3.1. Type of product

Class 1.5. Oils and fats (butter, margarine, oil, etc.)

^(?) Replaced by Regulation (EU) No 1151/2012.

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

Butters made from fat obtained from milk of cows of the Friesian or Pardo-Alpina breeds or crosses between the two, originating from dairy farms located in certain municipalities in the province of Soria.

The designation 'Mantequilla de Soria' will protect the three types of butter traditionally produced: natural, salted and sweet.

Their physical, chemical and organoleptic characteristics are as follows:

1. Natural butter:

Physical and chemical characteristics:

- Fat content: minimum 82 % m/m
- Non-fat milk solids: maximum 2 % m/m
- Moisture: maximum 16 % m/m

Organoleptic characteristics: Colour verging between ivory and straw yellow. Weak to medium smell of diacetyl. Very slightly acidic flavour. Melts in the mouth moderately quickly. Medium viscosity. Aroma of fresh cream. Moderate aftertaste.

2. Salted butter:

Physical and chemical characteristics:

- Fat content: minimum 80 % m/m
- Non-fat milk solids: maximum 4 % m/m
- Moisture: maximum 16 % m/m
- sodium chloride: maximum 2,5 % m/m

Organoleptic characteristics: colour verging between bone and ivory. Slight granular appearance when cut. Smell of faintly ripe cream. Intense salty flavour. Melts in the mouth moderately quickly. Medium viscosity. Aroma of cream. Short aftertaste.

3. Sweet butter:

Physical and chemical characteristics:

- Fat content: minimum 39 % m/m
- Non-fat milk solids: maximum 35 % m/m
- Moisture: maximum 25 % m/m
- Sucrose: from 20 % to 35 % m/m
- Additives: betacarotene and/or cochineal extract used to colour the garnish.

Organoleptic characteristics: colour of bone, except for the garnish, which has an orange or pink hue. On cutting, has the appearance of froth which ranges from faintly to slightly open but which is compact and has irregular gaps whose size ranges from that of a grain of white sugar to that of a grain of rice. Smell of diacetyl with a hint of caramelised sugar. Intense sweet flavour which is faintly acidic. Melts in the mouth quickly/moderately quickly. Medium viscosity. Aroma of cream, faintly plant-like. Moderate to persistent aftertaste.

3.3. Raw materials (for processed products only)

The milk from which the butter is made comes from livestock holdings located in the defined geographical area, which lies within the province of Soria. It is the coldest part of the province and at the highest altitude, with a tradition of milk production and hard, dry pastureland, with characteristic flora, which gives the milk specific qualities which are then passed on to the butter.

3.4. *Feed (for products of animal origin only)*

The feeding system, which is determined by climatic factors and the availability of natural resources, involves grazing at the appropriate times of year, while the rest of the animals' diet, which originates in the defined area to the extent possible, is made up of silage, hay, milled grain and/or feed.

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

The milk must be produced and the butter made within the defined geographical area.

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

—

3.7. *Specific rules concerning labelling*

The wording or labels on packaging containing protected butter must include the terms 'Denominación de Origen Protegida' and 'Mantequilla de Soria'.

Protected butters intended for consumption must bear the Designation's conformity mark. This is a tamper-proof secondary label which cannot be reused and is affixed to the packaging prior to dispatch.

The secondary labels must bear the Designation logo and an alphanumeric code permitting traceability. The code for natural butter will be on a golden strip, for sweet butter on a pink strip and for salted butter on a blue strip.

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

The area within which the milk must be produced and Mantequilla de Soria must be made comprises 169 municipalities in the province of Soria, as follows:

Abejar, Adradas, Ágreda, Alconaba, Alcubilla de Avellaneda, Aldealafuente, Aldealices, Aldealpozo, Aldeal-señor, Aldehuela de Periañez, Las Aldehuelas, Alentisque, Aliud, Almajano, Almaluez, Almarza, Almazán, Almazul, Almenar de Soria, Arancón, Arcos de Jalón, Arévalo de la Sierra, Ausejo de la Sierra, Barca, Bayubas de Abajo, Bayubas de Arriba, Beratón, Berlanga de Duero, Blacos, Bliccos, Borjabad, Borobia, Buberos, Buitrago, Burgo de Osma-Ciudad de Osma, Cabrejas del Campo, Cabrejas del Pinar, Calatañazor, Caltojar, Candilichera, Cañamaque, Carabantes, Carrascosa de Abajo, Carrascosa de la Sierra, Casarejos, Castilfrío de la Sierra, Castillejo de Robledo, Castilruiz, Centenera de Andaluz, Cerbón, Cidones, Cigudosa, Cihuela, Ciria, Cirujales del Río, Coscurita, Covalada, Cubilla, Cubo de la Solana, Cueva de Ágreda, Dévanos, Deza, Duruelo de la Sierra, Escobosa de Almazán, Espeja de San Marcelino, Espejón, Estepa de San Juan, Frechilla de Almazán, Fresno de Caracena, Fuentearmegil, Fuentecambrón, Fuentecantos, Fuentel-monge, Fuentelsaz de Soria, Fuentepinilla, Fuentes de Magaña, Fuentestrún, Garray, Golmayo, Gómara, Gormaz, Herrera de Soria, Hinojosa del Campo, Langa de Duero, La Losilla, Magaña, Maján, Matalebreras, Matamala de Almazán, Medinaceli, Miño de San Esteban, Molinos de Duero, Momblona, Monteagudo de las Vicarías, Montenegro de Cameros, Morón de Almazán, Muriel de la Fuente, Muriel Viejo, Nafría de Uceros, Narros, Navaleno, Nepas, Nolay, Noviercas, Ólvega, Oncala, Pinilla del Campo, Portillo de Soria, La Póveda de Soria, Pozalmuro, Quintana Redonda, Quintanas de Gormaz, La Quiñonería, Los Rábanos, Rebollar, Recuerda, Renieblas, Reznos, Rioseco de Soria, Rollamienta, El Royo, Salduero, San Esteban de Gormaz, San Felices, San Leonardo de Yagüe, San Pedro Manrique, Santa Cruz de Yanguas, Santa María de Huerta, Santa María de las Hoyas, Serón de Nájima, Soliedra, Soria, Sotillo del Rincón, Suellacabras, Tajahuerce, Tajueco, Talveila, Tardelcuende, Taroda, Tejado, Torlengua, Torreblacos, Torrubia de Soria, Trévago, Uceros, Vadillo, Valdeavellano de Tera, Valdegeña, Valdelagua del Cerro, Valdemaluque, Valdenebro, Valdeprado, Valderrodilla, Valtajeros, Velamazán, Velilla de La Sierra, Velilla de los Ajos, Viana de Duero, Villaciervos, Villanueva de Gormaz, Villar del Ala, Villar del Campo, Villar del Río, Los Villares de Soria, Villaseca de Arciel, Vinuesa, Vizmanos, Vozmediano, Yanguas.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

The characteristics of 'Mantequilla de Soria' are linked to the fact that the milk used to make it comes from cows that feed on products obtained in distinct climatic and altitude conditions.

The province of Soria lies at an average altitude of 1 026 metres above sea level. It is one of the provinces on the Iberian Meseta with the highest average altitude and most rugged terrain. This contributes to the extreme harshness of the climate.

It comprises: areas at very high altitude, over 1 500 metres, where most of the pastureland can be grazed only in summer, intermediate areas at around 1 000-1 500 metres with substantial forest cover although there are also pastures that can be grazed from spring to autumn, transition areas at 900-1 000 metres which, because they are ill-suited for use as arable land, are used for grazing almost all year round, and finally areas below 900 metres which are used mainly for growing crops. The crops grown most frequently on unirrigated land are cereals and forage crops and maize is grown on the irrigated land in the lowest lying valleys in the south of the province. The defined geographical area does not include the hotter areas in the south of the province which are at a lower altitude and do not have a milk- and butter-producing tradition.

Freely grazing cattle are a typical feature of the landscape in the province of Soria.

The nature of the pastureland, which is tough and dry, with characteristic flora, gives the milk specific qualities which are passed on to the butter.

Both the traditional butter churn (*manzadero*) and the non-continuous churning cylinder used today bind together the fat globules in the cream. In the case of the *manzadero*, the globules were beaten by hand with a piston-like action until they fused. The non-continuous churning cylinder used nowadays produces a similar effect through the pressure created by its movement.

5.2. Specificity of the product

A specific factor in the production of this butter is that the lactic ferments are not added at the start of the ripening stage but after 3 or 4 hours, in order to achieve a better finish and give it a distinctive touch.

The syrup for the sweet variety is made according to the traditional recipes and the product is presented in the traditional manner.

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

There are numerous historical references attesting to the history of 'Mantequilla de Soria': testimonials, news articles, information, etc. from 1845 until today, showing that the product has an indisputably rich history and tradition and that the name is well known and renowned

As the area is very sparsely populated and there is therefore little scope for media hype, the product's reputation can only derive from the specific characteristics of the milk and the production process, which result in a butter that is highly valued by consumers

The area's orography contributes to the extreme climatic conditions which determine the nature and composition of the pastureland and the crops the cattle feed on. Their diet accounts for the fatty acid composition of the milk and gives the milk specific qualities which are passed on to the butter.

In addition, local traditions such as the use of the traditional butter churn (*manzadero*) and the non-continuous churning cylinder mean that the product is obtained in a specific way, which also influences its qualities.

Finally, the tradition of making sweet butter from the natural butter in the *pastelerías* is exclusive to the area.

Publication reference of the specification

(Article 5(7) of Regulation (EC) No 510/2006⁽⁴⁾)

http://www.itacyl.es/opencms_wf/opencms/informacion_al_ciudadano/calidad_alimentaria/4_condiciones_DOP/index.html

⁽⁴⁾ See footnote 3.

Publication, pursuant to Article 18(2) of Commission Regulation (EC) No 1898/2006, of the single document on a designation of origin or a geographical indication registered under Commission Regulation (EC) No 1107/96 in accordance with Article 17 of Council Regulation (EEC) No 2081/92

(2014/C 188/08)

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾

‘PROSCIUTTO DI SAN DANIELE’

EC No: IT-PDO-0117-01149 – 19.8.2013

PGI () PDO (X)

1. Name

‘Prosciutto di San Daniele’

2. Member State or Third Country

Italy

3. Description of the agricultural product or foodstuff

3.1. Type of product

Class 1.2: Meat products (cooked, salted, smoked, etc.)

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

‘Prosciutto di San Daniele’ is a ham that is characteristically shaped like a guitar and includes the distal part of the leg (foot). The weight of a whole ‘Prosciutto di San Daniele’, including the bone, is normally between 8 and 10 kg, and in any case never less than 7,5 kg. The meat is firm, tender and supple, while the fat is pure white and is in the right proportion to the lean part, which is red and pink with some streaks of fat. It has a mildly sweet taste and a more pronounced after-taste. It has a fragrant, distinctive aroma that varies according to the maturing time.

‘Prosciutto di San Daniele’ is characterised by the following chemical parameters.

- The moisture percentage must not be less than 57 % or more than 63 %.
- The coefficient of the ratio between the percentage of sodium chloride and that of moisture must not be less than 7,8 or more than 11,2.
- The coefficient of the ratio between the percentage of moisture and that of total protein must not be less than 1,9 or more than 2,5.
- The proteolysis index (percentage of nitrogen fractions soluble in trichloroacetic acid (TCA) in relation to the total nitrogen content) must not be more than 31.

The above chemical parameters refer to the percentage composition of a fraction of the *biceps femoris* muscle measured before the logo is affixed.

‘Prosciutto di San Daniele’ may be released for consumption boned, cut up into portions of varying size and weights, or sliced. The logo is present on all types of product.

3.3. Raw materials (for processed products only)

Live animals

The production of ‘Prosciutto di San Daniele’ is subject to the rules set out below:

The animals used must be pure-bred pigs of the traditional Large White and Landrace breeds or animals derived from those breeds, as improved by the Italian Herd Book.

⁽¹⁾ OJ L 93, 31.3.2006, p. 12. Replaced by Regulation (EU) No 1151/2012.

- Also allowed are pigs of the Duroc breed, as improved by the Italian Herd Book.
- Pigs of other breeds, cross-bred or hybrid, are also allowed, provided that they are bred under selection or cross-breeding schemes for the production of heavy pigs the aims of which are compatible with those of the Italian Herd Book.
- In keeping with the tradition, animals carrying antithetic traits are excluded, in particular those sensitive to stress (PSS).
- Also excluded are pure-bred Belgian Landrace, Hampshire, Pietrain, Duroc and Spotted Poland animals.
- Boars and brood sows may not be used.
- The genetic types used must ensure the achievement of high weights and satisfactory efficiency and, in any case, a live weight per animal of $160 \text{ kg} \pm 10 \%$.

Fresh legs

The legs of pigs used for the preparation of 'Prosciutto di San Daniele' from heavy pig carcasses falling within Class 'U', 'R' or 'O' according to the Union grid for the classification of pig carcasses must weigh not less than 11 kg.

The layer of fat, including the hide, on the outside of the trimmed fresh leg, measured vertically towards the femur with the leg and its external surface in a horizontal position, must be at least 15 mm thick, according to the size of the piece.

Legs from pigs with evident PSE or DFD myopathies or with obvious sequelae of previous inflammatory and traumatic conditions may not be used.

Legs from pigs slaughtered less than 24 hours or more than 120 hours previously or which are frozen may not be used.

3.4. *Feed (for products of animal origin only)*

There are detailed rules to be observed regarding the use and composition of the feed ration. Feed is to be administered preferably in liquid form (gruel or wet mash), traditionally with added whey.

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

All stages in the production of 'Prosciutto di San Daniele', from the trimming of the fresh legs until the end of the maturing period, must take place within the municipality of San Daniele del Friuli, in the province of Udine (Italy).

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

The packaging of the sliced product is carried out solely in the geographical area of production of 'Prosciutto di San Daniele'.

3.7. *Specific rules concerning labelling*

'Prosciutto di San Daniele' is subject to specific rules on product identification which apply when the raw material is produced, and when the end product is prepared and marketed.

The following identification requirements apply when the raw material for 'Prosciutto di San Daniele' is produced:

- the breeder must affix one or several marks;
- the slaughterer must affix a slaughter mark on the fresh legs;
- the producer must affix a seal on the fresh legs;
- a brand-mark of conformity must be affixed on the rind of the ham under the supervision and in presence of the inspection body.

The labelling of whole 'Prosciutto di San Daniele' sold on the bone must bear the following details:

- 'Prosciutto di San Daniele', followed by 'denominazione di origine protetta' (protected designation of origin);
- the producer's registered office.

The labelling of boned 'Prosciutto di San Daniele' sold in one piece, cut up into portions or sliced must bear the following details:

- 'Prosciutto di San Daniele', followed by 'denominazione di origine protetta';
- the packaging site;
- the date of production, i.e. the date on which processing of the leg began, in all cases where the seal is no longer visible.

The packaging of sliced 'Prosciutto di San Daniele' must bear the graphic reproduction of the logo and the identification number of the packer.

This is the same logo as that which is affixed on the hide of the matured ham and looks as follows:



4. Concise definition of the geographical area

The production of 'Prosciutto di San Daniele' must take place within the municipality of San Daniele del Friuli, in the province of Udine (Italy).

The geographical area for the breeding and slaughtering of pigs intended for the production of 'Prosciutto di San Daniele' covers the territory of the following regions: Friuli-Venezia Giulia, Veneto, Lombardy, Piedmont, Emilia Romagna, Umbria, Tuscany, Marche, Abruzzo and Lazio.

5. Link with the geographical area

5.1. Specificity of the geographical area

The area of production of 'Prosciutto di San Daniele' is geographically located in the municipality of San Daniele del Friuli in central Friuli, along the river Tagliamento, beyond which rise the first foothills of the Carnic Alps.

The soil of the area is of morainic origin and typically contains a high proportion of fine gravel. It is highly hygroscopic and, as a result, ensures permanent drainage of moisture.

In addition to this draining effect of the soil, warm winds rising from the Adriatic Sea gradually cool down as they move along the course of the river Tagliamento and meet head-on with colder winds descending from the Alps in a straight flow through the Canale del Ferro del Tarvisano upstream from the Tagliamento. This creates a permanent microclimate that continuously produces gentle air circulation in the area, which, combined with the well-drained soil, ensures a low-humidity environment that is ideally suited to the maturing of ham. Because of this microclimate, it was no coincidence that, over time, the production of 'Prosciutto di San Daniele' came to be exclusively centred on the municipality after which the ham was named, while the processing of legs historically sourced from typical pig farming areas developed into a specialist skill. One of the key operations carried out by the specialist workers is the trimming of the legs. This procedure consists in removing the excess fat and muscle from the fresh leg, which gives it a specific form so that it can be pressed into the characteristic guitar shape. In addition, the pressing of the legs after trimming and salting promotes the osmotic process, which optimises the maturation of the meat.

5.2. Specificity of the product

A typical feature of 'Prosciutto di San Daniele' is the foot, i.e. the distal part of the leg, which, in contrast to most hams on the market, is not removed. The foot is left on the leg throughout the production process, which makes whole pieces of 'Prosciutto di San Daniele' immediately recognisable to consumers. In addition, the characteristic guitar shape, delicate flavour and fragrant aroma of 'Prosciutto di San Daniele' stem from the specific way in which it is prepared, namely the trimming and pressing of the legs, the addition of no other ingredients but sea salt at the start of the production process, and the long maturing time of the meat.

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

'Prosciutto di San Daniele' comes from the geographical area of San Daniele del Friuli and essentially owes its qualities to the geographical area of production and its environmental and human characteristics.

The particular microclimate caused by the characteristics of the terrain and the soil in the geographical area of production create conditions of generally low humidity and air circulation which are ideal for maturing hams and essential to the taste and aroma of 'Prosciutto di San Daniele'.

Of key importance is the experience of the maturers who use maturing rooms with many windows in which they arrange the hams transversely to the incoming air flow to enable the 'Prosciutto di San Daniele' to mature slowly and develop its characteristic aroma.

Reference to publication of the specification

(Article 5(7) of Regulation (EC) No 510/2006 ⁽²⁾)

The text of the product specification is available on the following web site:
<http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3339>

or alternatively:

by going directly to the home page of the Ministry of Agricultural, Food and Forestry Policy (www.politicheagricole.it) and clicking on 'Qualità e sicurezza' (at the top right of the screen), and then on 'Disciplinari di Produzione prodotti DOP, IGP e STG'.

⁽²⁾ See footnote 1.

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



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LUXEMBOURG

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