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⁽¹⁾ Text with EEA relevance

II

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

EUROPEAN COMMISSION

Communication in accordance with Article 12(5)(a) of Council Regulation (EEC) No 2913/92, on the information provided by the customs authorities of the Member States concerning the classification of goods in the customs nomenclature

(2014/C 352/01)

Binding Tariff Information ceases to be valid from this day if it becomes incompatible with the interpretation of the customs nomenclature as a result of the following international tariff measures:

Amendments to the Harmonized System Explanatory Notes and the Compendium of Classification Opinions, approved by the Customs Cooperation Council (CCC doc. NC2004 – report of the 53rd Session of the HS Committee):

AMENDMENTS TO THE EXPLANATORY NOTES TO BE DONE UNDER ARTICLE 8 PROCEDURE OF THE HS CONVENTION AND CLASSIFICATION OPINIONS EDITED BY THE HS COMMITTEE OF THE WORLD CUSTOMS ORGANIZATION

(53rd SESSION OF THE HSC IN MARCH 2014)

DOC. NC2004

Amendments of the Explanatory Notes of the Nomenclature annexed to the HS Convention

Chapters 3, 5 and 16	O/10
07.12	O/1
Chapter 29	O/8
28.33	O/30
29.34	O/9
30.02	O/7

Classification Opinions approved by the HS Committee

1902.30/1	O/12
2005.80/1	O/13
2008.99/3	O/14
2106.90/29	O/15
3824.90/20	O/16
3913.90/1	O/17
4303.90/1	O/18
5402.20/1	O/19
6204.62/1	O/20
6206.30/1	O/21

6214.90/2	O/22
8473.30/3	O/23
8517.70/1	O/24
8517.70/2	O/25
8537.10/2	O/26
8543.70/6-7	O/27
9018.39/1	O/11
9403.20/2	O/28
9705.00/1-3	O/29

Information regarding the contents of these measures can be obtained from the Directorate-General for Taxation and Customs Union of the European Commission (rue de la Loi/Wetstraat 200, 1049 Brussels, Belgium) or can be downloaded from the internet site of this Directorate-General:

http://ec.europa.eu/comm/taxation_customs/customs/customs_duties/tariff_aspects/harmonised_system/index_en.htm

Non-opposition to a notified concentration**(Case M.7373 — Ortner / Strauss / UBM)****(Text with EEA relevance)**

(2014/C 352/02)

On 30 September 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004⁽¹⁾. The full text of the decision is available only in German language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7373. EUR-Lex is the online access to the European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration**(Case M.7316 — Det Norske Oljeselskap/Marathon Oil Norge)****(Text with EEA relevance)**

(2014/C 352/03)

On 10 September 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004⁽¹⁾. The full text of the decision is available only in the English language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7316. EUR-Lex is the online access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

III

(Preparatory acts)

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 25 July 2014

on a proposal for a directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union**(CON/2014/58)**

(2014/C 352/04)

Introduction and legal basis

On 7 February 2013, the European Commission published a proposal for a directive concerning measures to ensure a high common level of network and information security across the Union ⁽¹⁾ (hereinafter the 'proposed directive').

The European Central Bank (ECB) has decided to deliver an own initiative opinion on the proposed directive, since it has not been formally consulted by the legislators. The ECB's competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union since the proposed directive contains provisions affecting the task of the European System of Central Banks (ESCB) to promote the smooth operation of payment systems as referred to in the fourth indent of Article 127(2) of the Treaty. In addition, Article 22 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') provides that the ECB and national central banks (NCBs) may provide facilities, and the ECB may make regulations, to ensure efficient and sound clearing and payment systems within the Union and with other countries. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

1. Purpose of the proposed directive

- 1.1 The proposed directive aims to ensure a high common level of network and information security (NIS) by improving the security of the internet and the network and information systems which underpin our society and the economy. This proposal is the main action under the European Cybersecurity Strategy ⁽²⁾.
- 1.2 Network and information systems play an essential role in facilitating the cross-border movement of goods, services and people. Given this intrinsic transnational dimension, a disruption in one Member State can also affect other Member States and the Union as a whole. In addition, the likelihood that incidents will frequently occur and the inability to ensure efficient protection undermine public trust and confidence in NIS. The resilience and stability of NIS is therefore critical to the smooth functioning of the internal market.
- 1.3 The proposed directive builds on previous initiatives in this area ⁽³⁾. Against this background, the proposed directive recognises the need to harmonise rules on NIS and to create effective cooperation mechanisms among the Member States.

⁽¹⁾ COM(2013) 48 final.

⁽²⁾ See Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace', JOIN (2013) 1 final.

⁽³⁾ These include the following communications: 'Network and Information Security: Proposal for a European Policy Approach' COM(2001) 298 final; 'A strategy for a Secure Information Society: "Dialogue, partnership and empowerment"' COM(2006) 251 final; 'Critical Information Infrastructure Protection – "Protecting Europe from large scale cyber-attacks and disruptions: enhancing preparedness, security and resilience"' COM(2009) 149 final; 'A Digital Agenda for Europe' COM(2010) 245 final; and 'Critical Information Infrastructure Protection – "Achievements and next steps: towards global cyber-security"' COM(2011) 163 final.

1.4 The proposed directive establishes a common Union legal framework for NIS regarding Member States' capabilities, mechanisms for Union-level cooperation and requirements for public administrations and also private sector entities in specified critical sectors. This should ensure adequate preparedness at national level and help foster a climate of mutual trust, which is a precondition for effective cooperation at Union level. Setting up mechanisms for cooperation at Union level via the network will deliver a coherent and coordinated means of preventing and responding to cross-border NIS incidents and risks.

1.5 The main provisions concern the following:

- (a) a requirement that all Member States have a minimum level of national capabilities in place by establishing competent authorities for NIS, setting up Computer Emergency Response Teams (CERTs) and adopting national NIS strategies and national NIS cooperation plans;
- (b) required information sharing between Member States within a network, as well as the creation of a pan-European NIS cooperation plan and coordinated early warnings for cyber-security incidents;
- (c) based on the model of Directive 2002/21/EC of the European Parliament and of the Council⁽¹⁾, ensuring that a culture of risk management develops and that information is shared between the private and public sectors. Companies in the specific critical sectors and public administrations will be required to assess the risks they face and adopt appropriate and proportionate measures to ensure NIS. They will also be required to report to the competent authorities any incidents seriously compromising their networks and information systems and significantly affecting the continuity of critical services and supply of goods.

2. General observations

2.1 The ECB supports the aim of the proposed directive to ensure a high common level of NIS across the Union and to achieve a consistency of approach in this area across business sectors and Member States. It is important to ensure that the internal market is a safe place to do business and that all Member States have a certain minimum level of preparedness in the case of a cyber-security incident.

2.2 However, the ECB considers that the proposed directive should be without prejudice to the existing regime for the Eurosystem's oversight of payment and settlement systems⁽²⁾, which includes appropriate arrangements, inter alia, in the area of NIS. It should be noted that the ECB has a particular interest in enhanced security in payment and settlement⁽³⁾ systems in order to promote the smooth operation of payment systems and help maintain confidence in the euro and the functioning of the economy in the Union.

2.3 Furthermore, the assessment of security arrangements and incident notifications for payment and settlement systems and payment service providers (PSPs) is one of the core competences of prudential supervisors and central banks. Responsibility for developing oversight requirements in the abovementioned areas should therefore remain with these authorities, and payment and settlement systems and PSPs should not be subject to potentially conflicting requirements imposed by other national authorities. Furthermore, risk management, including security requirements in respect of payment and settlement systems and other market infrastructures within the euro area, is set by the Eurosystem, comprising the ECB and NCBs from those Member States that have adopted the euro. Through this oversight function, the Eurosystem aims to ensure the smooth functioning of payment and settlement systems by applying, inter alia, appropriate oversight standards and minimum requirements. The proposed directive should take into account the oversight framework already in place and ensure regulatory consistency across the Union.

3. Specific observations

3.1 Recital 5 and Article 1 of the proposed directive provide that the relevant obligations, cooperation mechanism and security requirements shall apply to all public administrators and market operators. The current wording of recital 5 and Article 1 does not take into account the Eurosystem's mandate, enshrined in the Treaty, to oversee payment and settlement systems. The proposed directive should therefore be amended to properly reflect the Eurosystem's responsibilities in this area.

⁽¹⁾ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (OJ L 108, 24.4.2002, p. 33).

⁽²⁾ The oversight functions of some ESCB members are carried out on the basis of national laws and regulations, which complement, and in some cases duplicate, the Eurosystem's competence.

⁽³⁾ The term 'settlement' as used throughout this opinion includes the clearing function.

3.2 The arrangements and procedures for central banks and other competent authorities to oversee payment and securities settlement systems are contained in a number of Union directives and regulations including, in particular:

- (a) Directive 98/26/EC of the European Parliament and of the Council (hereinafter 'the Settlement Finality Directive')⁽¹⁾, which entitles the competent authorities of Member States to impose supervisory arrangements on payment and settlement systems which fall under their jurisdiction⁽²⁾;
- (b) Regulation (EU) No 648/2012 of the European Parliament and of the Council⁽³⁾ (hereinafter the 'European Market Infrastructure Regulation' (EMIR)), which recognises the roles of the European Securities and Markets Authority (ESMA), the European Banking Authority (EBA) and the ESCB in setting regulatory standards and supervising central counterparties; and
- (c) the proposal for a Regulation on improving securities settlement in the European Union and on central securities depositories (CSDs) and amending Directive 98/26/EC⁽⁴⁾ (hereinafter the 'CSD Regulation' (CSDR)), which requires the competent authorities to be vested with supervisory and investigatory powers, and in particular Article 45 of that regulation, which introduces prudential requirements for the CSDs, including important provisions on the mitigation of operational risk.

3.3 Moreover, it should be noted that, on 3 June 2013, the ECB's Governing Council adopted the 'Principles for financial market infrastructures', introduced in April 2012 by the Committee on Payment and Settlement Systems (CPSS) of the Bank for International Settlements and the Technical Committee of the International Organization of Securities Commissions (IOSCO)⁽⁵⁾, for the conduct of Eurosystem oversight in relation to all types of financial market infrastructures. This was followed by a public consultation regarding a draft regulation on oversight requirements for systemically important payment systems (hereinafter the 'SIPS Regulation')⁽⁶⁾. The SIPS Regulation implements the CPSS-IOSCO principles in a legally binding way and covers both large-value and retail payment systems of systemic importance, whether operated by Eurosystem NCBs or private entities.

3.4 The existing oversight arrangements⁽⁷⁾ in respect of payment systems and PSPs already contain procedures for early warnings⁽⁸⁾ and coordinated responses⁽⁹⁾ within and beyond the Eurosystem to deal with possible cyber-security threats, which are equivalent to those laid down in Articles 10 and 11 of the proposed directive.

3.5 The ESCB has set standards regarding reporting and risk management obligations for payment systems. Furthermore, the ECB regularly assesses securities settlement systems in order to determine their eligibility for use in the Eurosystem credit operations. Therefore, the ECB considers it necessary that the requirements in the proposed directive affecting critical market infrastructures and their operators⁽¹⁰⁾ do not prejudice the standards in the SIPS Regulation, the Eurosystem's oversight policy framework or other Union regulations, and in particular EMIR and the future CSDR. Moreover, they should not interfere with the tasks of the EBA or ESMA and other prudential supervisors⁽¹¹⁾.

⁽¹⁾ Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45).

⁽²⁾ Please see the third subparagraph of Article 10(1) of the Settlement Finality Directive.

⁽³⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

⁽⁴⁾ COM(2012) 73 final.

⁽⁵⁾ Available on the Bank of International Settlements website at <https://www.bis.org/publ/cpss94.pdf>

⁽⁶⁾ Available on the ECB website at <http://www.ecb.europa.eu>

⁽⁷⁾ See the ECB's press release regarding the Memorandum of Understanding (MoU) on high-level principles of co-operation between the banking supervisors and central banks of the European Union in crisis management situations (2003), available on the ECB's website at www.ecb.europa.eu

⁽⁸⁾ See Recommendation 3: incident monitoring and reporting in 'Recommendations for the security of internet payments-final version after public consultation', The European Forum on the Security of Retail Payments (SecuRe Pay), January 2013, available on the ECB's website at www.ecb.europa.eu

⁽⁹⁾ Based on the principles for cooperative international oversight, as reiterated by the CPSS oversight report of 2005, Eurosystem central banks have participated successfully in cooperative arrangements in a number of cases, as shown, for example, in the context of the oversight arrangements for SWIFT (the Society for Worldwide Interbank Financial Telecommunications) and for Continuous Linked Settlement (CLS).

⁽¹⁰⁾ For example, the requirements for market operators to observe technical and organisational measures in Articles 14(3) and (4) and the power to issue binding instructions to market operators in Article 15(3) of the proposed directive.

⁽¹¹⁾ See paragraph 2.12 of Opinion CON/2014/9 on a proposal for a directive of the European Parliament and of the Council on payment services in the internal market and amending Directives 2002/65/EC, 2013/36/EU and 2009/110/EC and repealing Directive 2007/64/EC (OJ C 224, 15.7.2014, p. 1). All ECB opinions are published on the ECB's website at www.ecb.europa.eu

3.6 Notwithstanding the above, the ECB considers that there is a strong case for the Eurosystem to share relevant information with the NIS Committee to be set up pursuant to Article 19 of the proposed directive. For purposes of effective information sharing that may become necessary, the ECB, EBA and ESMA should be invited to send representatives to meetings of the NIS Committee for agenda items which could be of interest for the performance of their respective mandates.

Done at Frankfurt am Main, 25 July 2014.

The President of the ECB

Mario DRAGHI

ANNEX

Drafting proposals

Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
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Amendment 1

Recital 5

<p>(5) To cover all relevant incidents and risks, this Directive should apply to all network and information systems. The obligations on public administrations and market operators should however not apply to undertakings providing public communication networks or publicly available electronic communication services within the meaning of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽²⁾, which are subject to the specific security and integrity requirements laid down in Article 13a of that Directive nor should they apply to trust service providers.'</p>	<p>(5) To cover all relevant incidents and risks, this Directive should apply to all network and information systems. The obligations on public administrations and market operators should however not apply to undertakings providing public communication networks or publicly available electronic communication services within the meaning of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽²⁾, which are subject to the specific security and integrity requirements laid down in Article 13a of that Directive nor should they apply to trust service providers. Furthermore, notwithstanding the application of this Directive to public administrations and market operators, this Directive does not affect the tasks and duties conferred on the European System of Central Banks (ESCB) by the Treaty and the Statute of the European System of Central Banks and of the European Central Bank, nor equivalent functions performed by ESCB members under their national frameworks, especially regarding policies relating to the prudential supervision of credit institutions and the oversight of payment and securities settlement systems. Member States shall rely on the prudential supervision and oversight functions exercised by the central banks and supervisors of such operators within their fields of competence.'</p>
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Explanation

Recital 5 should be amended in order to reflect the responsibilities of the ECB and the NCBs in overseeing and regulating payment and settlement systems. Pursuant to the fourth indent of Article 127(2) of the Treaty, one of the core tasks of the ESCB is to promote the smooth operation of payment systems. Article 22 of the Statute of the ESCB also empowers the ECB to make regulations to ensure efficient and sound clearing and payment systems. It should also be taken into consideration that, under Article 127(5) of the Treaty, the ESCB shall contribute to the smooth conduct of policies relating to the stability of the financial system. Furthermore, according to the Eurosystem's Oversight Policy Framework of July 2011 ⁽²⁾, the 'oversight of payment and settlement systems is a central bank function whereby the objectives of safety and efficiency are promoted by monitoring existing and planned systems, assessing them against these objectives and, where necessary, inducing change'.

In other words, ensuring that the systems are safe and efficient is an important precondition for the Eurosystem's ability to contribute to financial stability, to implement monetary policy and to maintain public confidence in the euro.

Furthermore, in line with the ECB's comments on the proposed revision of the directive on payment services (PSD2), it should be noted that national supervisors and the central banks are the competent authorities to issue guidelines on incident management and incident notifications for PSPs, as well as to issue guidelines on sharing incident notifications between the relevant authorities. The recital should also take due account of the tasks conferred on the ECB by Regulation (EU) No 1024/2013.

Text proposed by the Commission

Amendments proposed by the ECB (1)

Finally, when non-euro area ESCB members perform functions equivalent to those of the Treaty and ESCB Statute tasks, under their national provisions, those functions should also not be affected.

Amendment 2

Article 1(4) and (5) (new)

<p>4. This Directive shall be without prejudice to EU laws on cybercrime and Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (9)</p> <p>5. This Directive shall also be without prejudice to Directive 95/46/CE of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (10), and to Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector and to the Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (11).</p> <p>6. The sharing of information within the cooperation network under Chapter III and the notifications of NIS incidents under Article 14 may require the processing of personal data. Such processing, which is necessary to meet the objectives of public interest pursued by this Directive, shall be authorised by the Member State pursuant to Article 7 of Directive 95/46/EC and Directive 2002/58/EC, as implemented in national law.'</p>	<p>4. This Directive shall be without prejudice to EU laws on cybercrime and Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (9).</p> <p>5. This Directive shall be without prejudice to the oversight and tasks conferred on the ECB and the ESCB concerning policies relating to the prudential supervision of credit institutions, and payment and settlement systems, for which specific risk management and security requirements have been set within the ESCB regulatory framework and that of other related Union directives and regulations. Equally this Directive shall not prejudice equivalent functions performed by ESCB members under their national frameworks.</p> <p>56. This Directive shall also be without prejudice to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (10) and to Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector and to the Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (11).</p> <p>67. The sharing of information within the cooperation network under Chapter III and the notifications of NIS incidents under Article 14 may require the processing of personal data. Such processing, which is necessary to meet the objectives of public interest pursued by this Directive, shall be authorised by the Member State pursuant to Article 7 of Directive 95/46/EC and Directive 2002/58/EC, as implemented in national law.'</p>
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Explanation

As noted above, the ESCB has a keen interest in ensuring that payment and settlement systems function properly. This stems from the importance of payment, clearing and settlement systems for the smooth conduct of monetary policy operations and from the role they play in ensuring the stability of the financial system in general. Therefore, the ECB recommends that the proposed directive takes note of the role of the ESCB with regard to payment and settlement systems and the oversight framework already in place. The ESCB has highly effective tools to determine the safety and efficiency levels of these systems. The recital should also take due account of the tasks conferred on the ECB by Regulation (EU) No 1024/2013.

The proposed directive should also not prejudice equivalent functions performed by non-euro area ESCB members under their national frameworks.

Text proposed by the Commission	Amendments proposed by the ECB (1)
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Amendment 3

Article 6(1)

<p>'1. Each Member State shall designate a national competent authority on the security of network and information systems (the "competent authority").'</p>	<p>'1. Each Member State shall designate a national competent authority on the security of network and information systems (the "competent authority").</p> <p>Effective cooperation shall be put in place between the competent authority and the European and national regulators.'</p>
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Explanation

The ECB recommends that Article 6(1) is amended in order to ensure a good level of cooperation at a Union level.

Amendment 4

Article 8(3)

<p>'3. Within the cooperation network the competent authorities shall:</p> <ul style="list-style-type: none"> (a) circulate early warnings on risks and incidents in accordance with Article 10; (b) ensure a coordinated response in accordance with Article 11; (c) publish on a regular basis non-confidential information on on-going early warnings and coordinated response on a common website; (d) jointly discuss and assess, at the request of one Member State or of the Commission, one or more national NIS strategies and national NIS cooperation plans referred to in Article 5, within the scope of this Directive. (e) jointly discuss and assess, at the request of a Member State or the Commission, the effectiveness of the CERTs, in particular when NIS exercises are performed at Union level; (f) cooperate and exchange information on all relevant matters with the European Cybercrime Center within Europol, and with other relevant European bodies in particular in the fields of data protection, energy, transport, banking, stock exchanges and health; (g) exchange information and best practices between themselves and the Commission, and assist each other in building capacity on NIS; (h) organise regular peer reviews on capabilities and preparedness; 	<p>'3. Within the cooperation network the competent authorities shall:</p> <ul style="list-style-type: none"> (a) circulate early warnings on risks and incidents in accordance with Article 10; (b) ensure a coordinated response in accordance with Article 11; (c) publish on a regular basis non-confidential information on on-going early warnings and coordinated response on a common website; (d) jointly discuss and assess, at the request of one Member State or of the Commission, one or more national NIS strategies and national NIS cooperation plans referred to in Article 5, within the scope of this Directive.; (e) jointly discuss and assess, at the request of a Member State or the Commission, the effectiveness of the CERTs, in particular when NIS exercises are performed at Union level; (f) cooperate and exchange information on all relevant matters with the European Cybercrime Centrer within Europol, and with other relevant European bodies in particular in the fields of data protection, energy, transport, banking, stock exchanges and health; (g) exchange information and best practices between themselves and the Commission, and assist each other in building capacity on NIS; (h) organise regular peer reviews on capabilities and preparedness;
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Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
(i) organise NIS exercises at Union level and participate, as appropriate, in international NIS exercises.'	(i) organise NIS exercises at Union level and participate, as appropriate, in international NIS exercises; (j) ensure the exchange of information with European and national regulators (i.e. for the financial sector: the European System of Central Banks (ESCB), the European Banking Authority (EBA) and the European Securities and Markets Authority (ESMA), which shall work closely together when security incidents are identified that could potentially impede the smooth functioning of payment and settlement systems).'

Explanation

There is a strong case for sharing information with the European Network and Information Security Agency or competent authorities under the proposed directive, and with the EBA or ESMA as the competent authority for the coordination of responses to incidents relating to PSPs.

Hence, the ECB proposes this amendment with a view to fostering information sharing and better coordination at a Union level.

Amendment 5

Article 19(1)

'1. The Commission shall be assisted by a committee (the Network and Information Security Committee). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.'	'1. The Commission shall be assisted by a committee (the Network and Information Security Committee). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. The ECB, EBA and ESMA shall be invited to send a representative to the meetings of the Network and Information Security Committee on agenda items that might have implications on the performance of the respective mandates of the ECB, EBA or ESMA.'
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Explanation

The ECB has a vested interest in enhancing security in payment and settlement systems, services and instruments as an important component of maintaining confidence in the single currency and the smooth functioning of the economy in the Union. To this end, the ECB recommends that it should be invited to meetings of the NIS Committee. In any case, the ECB will have to be formally consulted under the Treaty on any such measures relating to payment systems, and any other matters falling within the ECB's fields of competence.

The EBA or ESMA should also be involved on issues relating to PSPs.

⁽¹⁾ Bold in the body of the text indicates where the ECB proposes inserting new text. Strikethrough in the body of the text indicates where the ECB proposes deleting text.

⁽²⁾ Available on the ECB's website at www.ecb.europa.eu

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

6 October 2014

(2014/C 352/05)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,2565	CAD	Canadian dollar	1,4078
JPY	Japanese yen	137,25	HKD	Hong Kong dollar	9,7465
DKK	Danish krone	7,4439	NZD	New Zealand dollar	1,6104
GBP	Pound sterling	0,78575	SGD	Singapore dollar	1,6054
SEK	Swedish krona	9,0773	KRW	South Korean won	1 341,07
CHF	Swiss franc	1,2120	ZAR	South African rand	14,1403
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,7149
NOK	Norwegian krone	8,1575	HRK	Croatian kuna	7,6415
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 316,16
CZK	Czech koruna	27,481	MYR	Malaysian ringgit	4,0996
HUF	Hungarian forint	308,27	PHP	Philippine peso	56,276
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	50,0375
PLN	Polish zloty	4,1844	THB	Thai baht	40,986
RON	Romanian leu	4,4090	BRL	Brazilian real	3,0014
TRY	Turkish lira	2,8588	MXN	Mexican peso	16,8044
AUD	Australian dollar	1,4381	INR	Indian rupee	77,2500

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

Notice concerning the applicable rules of origin and temporary suspension in relation to provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part

(2014/C 352/06)

The European Union and the Republic of Fiji have notified the completion of the procedures necessary for the provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part ⁽¹⁾, in accordance with Article 76(2) of that Agreement.

Consequently, the Agreement applies provisionally as from 28 July 2014 between the European Union and the Republic of Fiji. From this date, pursuant to Article 4 of Council Regulation (EC) No 1528/2007 ⁽²⁾, Protocol I of the Agreement concerning the definition of the concept of 'originating products' supersedes the provisions contained in Annex II to that Regulation.

From the same date, pursuant to Article 5(5) of Regulation (EC) No 1528/2007 the temporary suspension procedures set out in paragraphs 2 to 4 of Article 5 of the Regulation are superseded by those contained in Article 17 of the Agreement.

⁽¹⁾ OJ L 272, 16.10.2009, p. 2.

⁽²⁾ OJ L 348, 31.12.2007, p. 1.

V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice to economic operators — New round of requests for the suspension of the autonomous
Common Customs Tariff duties on certain industrial and agricultural products***(2014/C 352/07)*

Economic operators are informed that the Commission has received requests in accordance with the administrative arrangements foreseen in the Commission communication concerning autonomous tariff suspensions and quotas (2011/C 363/02) ⁽¹⁾ for the July round of 2015.

The list of the products for which a duty suspension is requested is now available on the Commission's thematic (Europa) website on the customs union ⁽²⁾.

Economic operators are also informed that the deadline for objections against new requests to reach the Commission, via the national administrations, is 16 December 2014 which is the date of the second scheduled meeting of the Economic Tariff Questions Group.

Interested operators are advised to consult the list regularly in order to be informed on the status of the requests.

More information on the autonomous tariff suspension procedure can be found on the Europa website:

http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/suspensions/index_en.htm

⁽¹⁾ OJ C 363, 13.12.2011, p. 6.

⁽²⁾ http://ec.europa.eu/taxation_customs/dds2/susp/susp_home.jsp?Lang=en

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.7423 — VINCI/Imtech ICT)

Candidate case for simplified procedure

(Text with EEA relevance)

(2014/C 352/08)

1. On 30 September 2014, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking VINCI Energies SA, belonging to the group VINCI ('VINCI Group', France) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking Imtech ICT Group ('Imtech ICT', the Netherlands) by way of purchase of shares and assets.

2. The business activities of the undertakings concerned are:

- for VINCI Group: energy and IT services, building, public works and civil engineering, concessions and infrastructures, road works,
- for Imtech ICT: provision of IT services.

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 this 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.7423 — VINCI/Imtech ICT, 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.

Prior notification of a concentration**(Case M.7333 — Alitalia/Etihad)****(Text with EEA relevance)**

(2014/C 352/09)

1. On 29 September 2014, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004⁽¹⁾ by which the undertakings Alitalia Compagnia Aerea Italiana SpA ('Alitalia', Italy) and Etihad Airways PJSC ('Etihad', United Arab Emirates) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of New Alitalia (Italy), a newly incorporated joint venture which will receive Alitalia's operating business as a going concern, by way of purchase of shares. As part of the same transaction, Etihad will acquire sole control over Alitalia Loyalty SpA ('Alitalia Loyalty'), a subsidiary of Alitalia active in the management of Alitalia's frequent flyer programme from New Alitalia.

2. The business activities of the undertakings concerned are:

- for Alitalia: Alitalia is Italy's national carrier active in domestic and international air transport,
- for Alitalia Loyalty: Alitalia Loyalty is a separate legal entity fully dedicated to the operation and development of Alitalia's customer loyalty programme named 'MilleMiglia Programme', and
- for Etihad: Etihad is the national carrier of Abu Dhabi active in international air transport.

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

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

Observations must reach the Commission not later than 10 days following the date of this publication. 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.7333 — Alitalia/Etihad 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').

OTHER ACTS

EUROPEAN COMMISSION

Publication of an 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 352/10)

This publication confers the right to object to the 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

‘FASOLA PIĘKNY JAŚ Z DOLINY DUNAJCA’/‘FASOLA Z DOLINY DUNAJCA’

EC No: PL-PDO-0105-01189 — 19.12.2013

PGI () PDO (X)

1. Headings in the product specification affected by the amendments

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

2. Type of amendment(s)

- 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 has 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 the 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. Amendment(s)

The value of the mass of 1 000 seeds is amended. The mass of 1 000 seeds ranging from 1 100 to 1 500 g indicated under point 3.2 (Description of the product) is an obvious clerical error. Large seeds are one of the main distinguishing features of the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca', and the actual mass of 1 000 seeds ranges from 2 000 to 2 800 g. In the light of the above, the following sentence was added to point 3.2: 'The bean is among the largest of the *Phaseolus multiflorus*, or *Phaseolus coccineus* species'. That sentence is an additional argument in favour of the need to amend the mass of 1 000 seeds of the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca'.

The use of common sunflower plants (Latin: *Helianthus annuus*) as canes will be added to Point 7 of the specification. Common sunflowers have been used as supporting plants to grow 'Piękny Jaś' climbing beans ever since climbing beans were first cultivated in the Dunajec valley. This method is increasingly popular among farmers because it has a greening effect and enhances the landscape. This information has been included with a view to obtaining PDO status.

In addition, agronomic data relating to seed sowing standards and the width of rows for bean cultivation were updated in point 7 of the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' specification. These changes have been made necessary by intensive replacement of farm machinery in Małopolska over the last few years. Modern tractors have a larger wheelbase and wider tyres than older models, thereby necessitating changes to agrotechnical standards.

The proposed amendments have no impact whatsoever on the distinguishing characteristics of the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' indicated under point 5.2 of the single document or on its high quality and characteristic taste, but they will enable PDO protection to be afforded to producers who apply current agrotechnical standards.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽³⁾

'FASOLA PIĘKNY JAŚ Z DOLINY DUNAJCA'/'FASOLA Z DOLINY DUNAJCA'

EC No: PL-PDO-0105-01189 — 19.12.2013

PGI () PDO (X)

1. Name

'Fasola Piękny Jaś z Doliny Dunajca'/'Fasola z Doliny Dunajca'

2. Member State or Third Country

Poland

3. Description of the agricultural product or foodstuff

3.1. Type of product

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

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

Only dry seeds of the bean intended for human consumption can be sold under the name 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca'. The bean is among the largest of the *Phaseolus multiflorus*, or *Phaseolus coccineus*, species.

Physical characteristics:

— the mass of one thousand seeds ranges from 2 000 to 2 800 g, depending on the soil conditions of the plantation and the meteorological conditions during the growing period,

⁽³⁾ Replaced by Regulation (EU) No 1151/2012.

- the seeds are healthy, ripe, smooth, well developed and filled, of a uniform kidney shape, laterally flattened and free from impurities or damage caused by insects. They are characterised by a glossy germ tegument of uniform white colour. They have a characteristic smell of well-dried bean seeds, without any mustiness or any other extraneous odours. The moisture content of the seeds does not exceed 18 %. They have a delicate, mild and slightly sweet taste which is characteristic of this bean.

The following minimum requirements apply to the beans prior to packing:

- up to 0,1 %, broken seeds,
- up to 0,1 %, dried-up seeds,
- up to 2 %, other varieties of white seed,
- up to 1 %, coloured seeds,
- up to 1 %, seeds of non-uniform colour,
- up to 0,3 %, parts of stems, pods, leaves, wood, packaging and non-toxic weed seeds,
- up to 0,2 %, mineral impurities.

Beans not meeting the above requirements must not exceed 1,05 % in total.

Chemical characteristics:

- total protein 20-24 %,
- crude fat 1,0-2,5 %,
- crude fibre 3,3-4,8 %,
- ash 3,8-4,4 %.

3.3. *Raw materials (for processed products only)*

—

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

—

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

In order to ensure the highest product quality, each step in the production of the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' must take place in the geographical area defined in (4). This is due, among other things, to the fact that the specific natural conditions prevailing in this area are favourable for bean cultivation. Moreover, the entire production process is based on methods which are traditional for this region and most of the work is executed manually. For this reason, the skills of local producers play a significant part.

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

—

3.7. *Specific rules concerning labelling*

—

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

The area of cultivation of the 'fasola Piękny Jaś z Doliny Dunajca' or 'fasola z Doliny Dunajca' encompasses 11 municipalities in the Dunajec river valley: Gródek nad Dunajcem (Nowosądecki County), Zakliczyn, Wojnicz, Wierzchosławice, Radłów, Wietrzychowice, Tarnów, Pleśna, Żabno (Tarnowski County), Czchów (Brzeski County) and Gręboszów (Dąbrowski County) in Małopolskie Voivodship.

5. Link with the geographical area

5.1. Specificity of the geographical area

The Dunajec Valley was shaped by the River Dunajec. It is characterised by varied topography. The altitude of the land above sea level gradually decreases from Gródek nad Dunajcem to Wietrzychowice, the latter being the lowest municipality in the Dunajec Valley. The main axis of the landscape is a wide terraced valley, running south-west to north-east. The meandering channel of the river Dunajec, between 50 and 150 m wide, is partly regulated and embanked. Stretching along it are belts of rock and above them a distinct flood plain which takes up most of the bottom of the valley. Arctic air masses pass southward through the valley and warm air masses move northward. A foehn wind also reaches the valley. In spring and autumn, morning mists limit sudden temperature changes between day and night. The characteristic shape of the Dunajec Valley also causes an influx of warm air masses in spring and summer.

The plantations of the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' are located at a relatively low level, which protects the fields from the wind. The alluvial mud soils on which they are situated are very favourable to this species, both with regard to the available mineral content and pH level, as well as the volume and pattern of rainfall during the growing period. The soil of the farms in the Dunajec Valley has a very high magnesium content (12,2-15 mg per 100 g of soil).

The Tarnów area, at the centre of the Dunajec Valley, is one of the warmest in Poland. The dates on which the average diurnal temperature reaches defined thermal thresholds, namely > 0 , > 5 , > 10 and > 15 °C, are very advantageous in the Dunajec Valley, falling several to over a dozen days earlier than in other regions of Poland. Moreover, the average multiannual air temperature values for Tarnów are 0,8 °C higher than in Kraków, some 90 km away.

5.1.1. Human factors

The skills which are indispensable for the proper cultivation and harvesting of beans with the right qualities have been perfected by the farmers who have grown the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' over several generations. The following are particularly important: reproducing seed on an individual holding, choosing the appropriate time for sowing, thus preventing losses occurring as a result of freezing, preparing the soil for sowing, placing the correct number of seeds (3 to 5) in the individual hole in the soil, selecting the right canes and training the beans on them and choosing the best moment for cutting the plants in order to let the seeds dry before the first frost. Only the skilled handling of the whole production process can ensure a good and balanced bean crop with high seed quality. Bean cultivation is mainly based on manual work and requires considerable care, dedication and timely execution of each task depending on the weather conditions in the year in question.

5.2. Specificity of the product

The distinguishing characteristics of the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' are as follows:

- magnesium (Mg) content: on average 80 mg/kg higher than in the case of beans from outside the geographical area defined in (4),
- moisture content: does not exceed 18 %,
- sweet taste: confirmed by a sensory evaluation in the laboratory,
- structure and consistency: delicate, 'melt-in-the-mouth' texture, with a very slight mealiness,
- skin thickness: assessed as thin by a sensory evaluation in the laboratory,
- skin softness: assessed as soft by a sensory evaluation in the laboratory,
- cooking time: 10 minutes less than in the case of beans from outside the geographical area defined in (4).

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)

The 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' is a product that has emerged exclusively due to the combination of a specific set of natural factors (i.e. climate and soil) with the skills of local producers. It is this combination alone which ensures the product's unique quality.

The high magnesium (Mg) content of the soil in the area where the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' is cultivated increases the content of this element in the seeds and, where the seeds are harvested at the appropriate time, helps to give the product its characteristic sweet taste.

The fertile alluvial mud soils and the climate of the Dunajec Valley suit the bean and provide very good conditions for its growth and development. The air temperature range during the growing period and the volume and pattern of rainfall are highly beneficial for the proper development of the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' and a good yield. The inseparable link between these geographical characteristics and the skills involved in choosing the appropriate time for sowing, preparing the soil for sowing, placing the correct number of seeds in individual holes in the soil and choosing the best moment for cutting the plants ensures an abundant crop of large beans. Choosing the right time to cut the plants and leaving them for the right length of time in the fresh air, coupled with the favourable atmospheric conditions in the area, produces seeds which have a lower moisture content and a thinner germ tegument than *Phaseolus multiflorus* originating outside the Dunajec Valley. Manual seed sorting enables strict quality standards to be maintained for the seeds of the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca'.

Drying the seeds naturally without forcing or accelerating this process results in an even reduction in cell-wall spacing without causing cell-wall degradation. This treatment ensures that the 'fasola Piękny Jaś z Doliny Dunajca'/'fasola z Doliny Dunajca' has a short cooking time, a delicate structure and consistency and a very soft germ tegument in comparison with *Phaseolus multiflorus* seeds originating outside the geographical area defined in (4).

Reference to publication of the specification

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

<http://www.minrol.gov.pl/pol/Jakosc-zywnosci/Produkty-regionalne-i-tradycyjne/Zlozone-wnioski-o-rejestracje-Produkty-regionalne-i-tradycyjne/OGLOSZENIE-MINISTRA-ROLNICTWA-I-ROZWOJU-WSI-z-dnia-25-pazdziernika-2013-roku2>

⁽⁴⁾ See footnote 3.

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