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⁽¹⁾ Text with EEA relevance

II

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

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case M.7921 — Cinven/Kurt Geiger)****(Text with EEA relevance)**

(2016/C 60/01)

On 10 February 2016, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004⁽¹⁾. The full text of the decision is available only in English 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 32016M7921. EUR-Lex is the on-line access to the European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

15 February 2016

(2016/C 60/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1180	CAD	Canadian dollar	1,5454
JPY	Japanese yen	127,60	HKD	Hong Kong dollar	8,7036
DKK	Danish krone	7,4638	NZD	New Zealand dollar	1,6772
GBP	Pound sterling	0,77200	SGD	Singapore dollar	1,5643
SEK	Swedish krona	9,4862	KRW	South Korean won	1 352,15
CHF	Swiss franc	1,1009	ZAR	South African rand	17,6114
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,2606
NOK	Norwegian krone	9,6313	HRK	Croatian kuna	7,6200
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	14 947,90
CZK	Czech koruna	27,037	MYR	Malaysian ringgit	4,6224
HUF	Hungarian forint	309,24	PHP	Philippine peso	53,000
PLN	Polish zloty	4,3945	RUB	Russian rouble	86,3193
RON	Romanian leu	4,4689	THB	Thai baht	39,818
TRY	Turkish lira	3,2908	BRL	Brazilian real	4,4567
AUD	Australian dollar	1,5624	MXN	Mexican peso	21,0910
			INR	Indian rupee	76,1045

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

COMMISSION DECISION**of 10 February 2016****on the Facility for Refugees in Turkey amending Commission Decision C(2015) 9500 of 24 November 2015**

(2016/C 60/03)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Articles 210 (2) and Article 214 (6),

Whereas:

- (1) The Representatives of the Governments of the Member States discussed the financing of the coordination mechanism – the Facility for Refugees in Turkey - in December 2015 and in January 2016. On 3 February 2016 they agreed on a ‘Common Understanding establishing a governance and conditionality framework for the Refugee Facility for Turkey between the EU Member States and the Commission’ (hereinafter referred to as ‘Common Understanding’).
- (2) The Commission acknowledges the expressed intentions of the Member States to contribute EUR 2 000 000 000 out of a total amount of EUR 3 000 000 000. The progressive delivery of the assistance is conditional on the implementation of the understanding between the European Union and the Republic of Turkey to step up their cooperation on support of Syrians under temporary protection and migration management in a coordinated effort to address the crisis (‘the EU-Turkey Joint Action Plan’). Decisions relating to and actions providing humanitarian assistance will be implemented in line with Council Regulation (EC) No 1257/96 ⁽¹⁾ and according to the principles laid down in the European Consensus on Humanitarian Aid ⁽²⁾.
- (3) The individual financial contributions from Member States will be included into the Union’s budget as external assigned revenue in accordance with Article 21 (2) (b) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and repealing Council regulation (EC, Euratom) No 1605/2002 ⁽³⁾. The Commission as having the sole responsibility for implementing the Union’s budget in accordance with Article 317 TFEU, shall, on behalf of the Union, be notified the contribution certificates by the Member States. These contribution certificates allow to make the commitment appropriations available upon their notification in line with Article 7 (2) of Commission Delegated Regulation (EU) No 1268/2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union ⁽⁴⁾. The individual contribution certificates will be based on a single template allowing for adaptation, where necessary, to specific needs.
- (4) In view of the Common Understanding and with the aim of ensuring a higher degree of efficiency and coordination in the implementation of the Facility for Refugees in Turkey, it is necessary to amend Commission Decision C(2015) 9500 accordingly,

HAS DECIDED AS FOLLOWS:

Sole Article

Commission Decision C(2015) 9500 is amended as follows:

1. The recitals of Commission Decision C(2015) 9500 are amended as follows:

— Recital 9 is replaced by the following text:

- ‘(9) The overall objective of the Facility for Refugees in Turkey is to coordinate and streamline actions financed from the Union’s budget and bilateral contributions from Member States in order to enhance the efficiency and complementarity of support provided to refugees and host communities in Turkey’;

⁽¹⁾ OJ L 163, 2.7.1996, p. 1.

⁽²⁾ Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission ‘The European Consensus on Humanitarian Aid’ (OJ C 25, 30.1.2008, p. 1).

⁽³⁾ OJ L 298, 26.10.2012, p. 1.

⁽⁴⁾ OJ L 362, 31.12.2012, p. 1.

— Recital 11 is replaced by the following text:

‘(11) EU instruments currently used in response to the Syrian crisis, such as the European Neighbourhood Instrument (ENI)⁽⁵⁾, the Development Cooperation Instrument (DCI)⁽⁶⁾, the Instrument for Pre-Accession Assistance (IPA II)⁽⁷⁾, the Instrument contributing to Stability and Peace (IcSP)⁽⁸⁾ and funding under Council Regulation (EC) No 1257/96 concerning humanitarian aid⁽⁹⁾ may contribute to the Facility for Refugees in Turkey within the limits laid down in the multi-annual financial framework 2014-2020. Any humanitarian assistance under the Facility for Refugees in Turkey shall be administered and provided in full respect for humanitarian principles and the European Consensus on Humanitarian Aid⁽¹⁰⁾.’;

— Recital 13 is replaced by the following text:

‘(13) In line with the “Common Understanding establishing a governance and conditionality framework for the Refugee Facility for Turkey between the EU Member States and the Commission” (hereinafter referred to as “Common Understanding”) agreed on 3 February 2016, the Commission acknowledges the expressed intentions of the Member States to contribute EUR 2 000 000 000 out of a total amount of EUR 3 000 000 000. The progressive delivery of the assistance is conditional on the implementation by Turkey of its commitments under the EU-Turkey Joint Action Plan. Decisions relating to and actions providing humanitarian assistance will be implemented in line with Council Regulation (EC) No 1257/96⁽¹¹⁾ and according to the principles laid down in the European Consensus on Humanitarian Aid⁽¹²⁾.’;

— Recital 14 is deleted;

— Recital 15 becomes Recital 14 and is replaced by the following text:

‘(14) As agreed in the Common Understanding, financial contributions from Member States will be included into the Union’s budget as external assigned revenue in accordance with Article 21 (2) (b) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and repealing Council regulation (EC, Euratom) No 1605/2002⁽¹³⁾. The Commission as having the sole responsibility for implementing the Union’s budget in accordance with Article 317 TFEU will, on behalf of the Union, receive individual contribution certificates from each Member State pursuant to Article 7 (2) of Commission Delegated Regulation (EU) No 1268/2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union⁽¹⁴⁾. The individual contribution certificates will be based on a single template allowing for adaptation, where necessary, to specific needs. Each individual Member State will send the signed contribution certificate with a contribution schedule to the Commission for acknowledgement.’

2. The Articles of Commission Decision C(2015) 9500 are amended as follows:

— The title of Article 1 is replaced by the following text:

‘Establishment of the Facility for Refugees in Turkey’;

— Article 1 is replaced by the following text:

‘This Decision establishes a coordination mechanism - the Facility for Refugees in Turkey (“the Facility”) - to assist Turkey in addressing the immediate humanitarian and development needs of the refugees and their host communities, national and local authorities in managing and addressing the consequences of the inflow of refugees.’;

⁽⁵⁾ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

⁽⁶⁾ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation (OJ L 77, 15.3.2014, p. 44).

⁽⁷⁾ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (OJ L 77, 15.3.2014, p. 11).

⁽⁸⁾ Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace (OJ L 77, 15.3.2014, p. 1).

⁽⁹⁾ OJ L 163, 2.7.1996, p. 1.

⁽¹⁰⁾ Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission ‘The European Consensus on Humanitarian Aid’ (OJ C 25, 30.1.2008, p. 1).

⁽¹¹⁾ OJ L 163, 2.7.1996, p. 1.

⁽¹²⁾ OJ C 25, 30.1.2008, p. 1.

⁽¹³⁾ OJ L 298, 26.10.2012, p. 1.

⁽¹⁴⁾ OJ L 362, 31.12.2012, p. 1.

— In Article 3 paragraph 1 is amended as follows:

'The Facility shall co-ordinate the Union and Member States' actions by setting priorities and by indicating the instruments to be used for the efficient implementation of the actions, in accordance with the mechanism set out in Article 5 of the present Decision.';

— Article 3 paragraph 2 is replaced by the following text:

'Through the Facility the provision of humanitarian, development and other assistance to refugees and host communities, national and local authorities in managing and addressing the consequences of the inflows of refugees will be coordinated.

Types of actions coordinated through the Facility may cover, *inter alia*:

- (a) The provision of humanitarian assistance to refugees;
- (b) Support contributing to integration in the labour market, access to education and social inclusion of refugees and host communities, including in terms of provision of adequate infrastructures;
- (c) Support to the national and local authorities to address the consequences of the presence of Refugees in Turkey, including in terms of migration flows management and provision of adequate infrastructures.';

— Article 4 paragraph 2 is replaced by the following text:

'EUR 1 000 000 000 out of the overall amount shall be financed from the EU budget, subject to subsequent individual financing decisions in accordance with Article 84 (2) of Regulation (EU, Euratom) No 966/2012 and in accordance with its financial rules and the requirements of the respective basic act.';

— Article 4 paragraph 3 is replaced by the following text:

'On the basis of their pledged financial contributions, Member States will provide an amount of EUR 2 000 000 000 on the basis of the breakdown of contributions based on the Gross National Income (GNI) key based on the 2015 budget';

— Article 5 paragraph 1 is replaced by the following text:

'1. The steering committee of the Facility shall:

- (i) provide strategic guidance on the coordination of the assistance to be delivered. The strategic guidance shall consist in setting overall priorities, types of actions to be supported, the instruments to be used for the efficient implementation of the actions and the coordination of the actions as well as, when appropriate, conditions relating to the implementation by Turkey of its commitments under the EU-Turkey Joint Action Plan for the delivery of assistance.
- (ii) permanently monitor and assess the implementation of the actions coordinated under the Facility, including respect of the conditionality requirements, having regard to the assessments carried out by the structures established with the purpose of monitoring progress in the implementation of the commitments reflected in the EU-Turkey Joint Action Plan.
- (iii) examine the disbursement forecasts relating to the implementation of actions submitted by the Commission and, where appropriate, may propose that the Commission defer all or part of the call related to one or more later instalments due.
- (iv) monitor contributions from Member states, according to the contribution schedule provided for in the contribution certificate of each Member State, recalling the agreed amount of EUR 2 000 000 000.

The steering committee shall be composed of two representatives of the Commission and one representative of each Member State.

As far as possible the steering committee shall provide its strategic guidance by consensus. In the event of a vote, the outcome of the vote shall be decided by a simple majority of the members.

Turkey shall be a member of the steering committee in an advisory capacity with respect to paragraph (1) (i) and (ii), so as to ensure full coordination of the actions on the ground, except when the steering committee examines strategic guidance concerning conditions relating to the implementation by Turkey its commitments under the EU-Turkey Joint Action Plan for the delivery of the assistance or monitors and assesses the respect of these conditions.

It shall be ensured that Member States and the Commission representatives in the Committee are not in a situation of conflict of interests, as defined by Regulation (EU, Euratom) No 966/2012.';

— Article 5 paragraph 2 is replaced by the following text:

‘The Commission shall chair the steering committee and shall have a leading role in coordinating its work.

The Commission shall have a right to veto strategic guidance of the steering committee with the sole aim of ensuring the legality of any subsequent decision, including its compatibility with its responsibility for implementing the Union’s budget. Where the Commission intends to use this right, it shall justify, upon request, why a draft decision would be inconsistent with any of the aforementioned requirements.’;

— Article 5 paragraph 3 is replaced by the following text:

‘Upon proposal by the Commission, the steering committee shall draw up and adopt its rules of procedure within three months of the date of adoption of this Decision.’;

— In Article 6 the headings ‘EU budget’ and ‘Member States contributions’ are deleted.

— Article 6 paragraph 3 is replaced by the following text:

‘Actions and measures to be coordinated under the Facility will be implemented in accordance with the financial rules applicable to the Union’s budget and the requirements of the respective basic acts.’;

— In Article 6 the following text is added to paragraph 4:

‘In the management of the amounts coordinated under the Facility the strategic guidance provided by the steering committee referred to in Article 5 shall be fully taken into account, in particular with regard to the conditions of the delivery of the assistance.’;

— Article 9 paragraph 1 is amended by the following text:

‘This Facility is established as from 1 January 2016 for financial contributions under the budgetary years 2016 and 2017. It will be managed on the basis of Member States’ contributions and their timing, communicated to and acknowledged by the Commission’.

3. The annex is deleted.

Done at Brussels, 10 February 2016.

For the Commission

Johannes HAHN

Member of the Commission

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

**Communication of the Commission published pursuant to Article 27(4) of Council Regulation (EC)
No 1/2003 in Case AT.39850 — Container Shipping**

(2016/C 60/04)

1. Introduction

- (1) According to Article 9 of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty⁽¹⁾, the Commission may decide — in cases where it intends to adopt a decision requiring that an infringement is brought to an end and the parties concerned offer commitments to meet the concerns expressed to them by the Commission in its preliminary assessment — to make those commitments binding on the undertakings. Such a decision may be adopted for a specified period and shall conclude that there are no longer grounds for action by the Commission without concluding whether or not there has been or still is an infringement.
- (2) According to Article 27(4) of the same Regulation, the Commission shall publish a concise summary of the case and the main content of the commitments. Interested parties may submit their observations within the time limit fixed by the Commission.

2. Summary of the case

- (3) On 21 November 2013 and 13 November 2015, the Commission initiated proceedings against the following container shipping companies (hereinafter 'the parties') who have now offered the Commission commitments in order to meet its competition concerns:

1. China Shipping (China)	6. Hanjin (South Korea)	11. MSC (Switzerland)
2. CMA CGM (France)	7. Hapag Lloyd (Germany)	12. NYK (Japan)
3. COSCO (China)	8. HMM (South Korea)	13. OOCL (Hong Kong)
4. Evergreen (Taiwan)	9. Maersk (Denmark)	14. UASC (UAE)
5. Hamburg Süd (Germany)	10. MOL (Japan)	15. ZIM (Israel)
- (4) The parties to these proceedings have regularly announced their intended (future) increases of prices for containerized shipping services by sea, at least on routes from Far East Asia to Northern Europe and the Mediterranean (westbound), on their websites, via the press, or in other ways. These announcements indicate the amount of the increase in US-Dollars per transported container unit (twenty-foot equivalent unit, 'TEU'), the affected trade route and the date of implementation. Such announcements are widely known in the industry as 'General Rate Increase Announcements' or 'GRI Announcements'. They generally concern sizable rate increases of several hundred US-Dollars per TEU.
- (5) GRI Announcements are made typically 3 to 5 weeks before their intended implementation date, and during that time some or all parties announce similar intended rate increases for the same or similar routes and the same or similar implementation date. Announced GRIs have sometimes been postponed or modified by some parties, possibly aligning them with the GRIs announced by other parties.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and, respectively, 102 of the Treaty on the Functioning of the European Union ('TFEU'). The two sets of provisions are in substance identical. For the purposes of this notice, references to Articles 101 and 102 of the TFEU should be understood as references to Articles 81 and 82 of the EC Treaty when applicable.

- (6) In the preliminary assessment, the Commission expressed the concern that GRI Announcements may be of very little value for customers; stating only the amount of an intended increase may not inform customers of the new full price they will be asked to pay in the future. In addition, the Commission has concerns that GRI Announcements may have only limited committal value and thus, customers may not be able to rely on them for their purchasing decisions.
- (7) In the preliminary assessment, the Commission expressed the concern that this practice may allow the parties to explore each other's pricing intentions and to coordinate their behaviour. The Commission is concerned that the practice may enable the parties to 'test', without incurring the risk of losing customers, whether they can reasonably implement a price increase and thereby may reduce strategic uncertainty for the parties and diminish the incentives to compete. The Commission is concerned that this conduct may amount to a concerted practice in violation of Article 101 TFEU and Article 53 of the EEA Agreement.

3. Main content of the offered commitments

- (8) The parties do not agree that they have engaged in the practice described above nor do they agree with the legal analysis in the Commission's preliminary assessment. The parties have nevertheless offered commitments pursuant to Article 9 of Regulation (EC) No 1/2003 to meet the Commission's competition concerns in relation to the abovementioned practice. The parties have emphasised that this should not be interpreted as an acknowledgement that they have infringed the EU competition rules, or as an admission of liability.
- (9) The commitments are briefly described below and published in full in English on the website of the Directorate-General for Competition at:

http://ec.europa.eu/competition/index_en.html

- (10) The parties offer to stop publishing and communicating GRI announcements, i.e. changes to prices expressed solely as the amount or percentage of the change.
- (11) The parties will not be obliged to publish or communicate (hereinafter referred to as 'announce') their prices, but should they choose to do so, the announcements must enable purchasers to understand and rely on them. For that purpose the parties offer that price announcements will contain at least the following information:
 - (a) the amount of the base rate, bunker charges ('BAF'), security charges, terminal handling charges ('THC') and peak season charges ('PSS', or similar charges);
 - (b) which other charges may apply;
 - (c) the services to which they apply;
 - (d) the period to which they relate (which can be either expressed as a fixed period or open ended, in which case prices are valid until further notice).

Announcements will not be made more than 31 days before implementation day.

- (12) The parties shall be bound by their price announcements during their validity period as maximum prices, but will be free to offer lower prices.
- (13) In order to facilitate the conduct of business, the parties include two exceptions to the commitments in situations that would be unlikely to give rise to the Commission's competition concerns. The commitments will not apply to:
 - (a) communications with purchasers who on that date have a rate agreement in force on the route to which the communication refers;
 - (b) communications during bilateral negotiations or communications tailored to the needs of identified purchasers.

The parties shall however remain bound by the maximum prices set out in relevant price announcements that are applicable to the same services and customers referred to in the communications, under the conditions set out in the commitments.

- (14) The commitments will apply for 3 years to all routes to and from the EEA.
- (15) The commitments will not prevent the parties from complying with requirements based on laws or regulations of other jurisdictions.

4. Invitation to make comments

- (16) Subject to market testing, the Commission intends to adopt a decision under Article 9(1) of Regulation No 1/2003 declaring binding the commitments summarised above and published on the Internet, on the website of the Directorate-General for Competition.
- (17) In accordance with Article 27(4) of Regulation 1/2003, the Commission invites interested third parties to submit their observations on the proposed commitments. These observations must reach the Commission not later than one month following the date of this publication. Interested third parties are also asked to submit a non-confidential version of their comments, in which any information they claim to be business secrets and other confidential information should be deleted and replaced as required by a non-confidential summary or by the words 'business secrets' or 'confidential'.
- (18) Answers and comments should preferably be reasoned and should set out the relevant facts. If you identify a problem with any part of the proposed commitments, the Commission would also invite you to suggest a possible solution.
- (19) Observations can be sent to the Commission under reference AT.39850 — Container Shipping, either by email (COMP-GREFFE-ANTITRUST@ec.europa.eu), by fax (+32 22950128) or by post, to the following address:

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

Prior notification of a concentration
(Case M.7945 — UTC/Riello Group)
Candidate case for simplified procedure
(Text with EEA relevance)
(2016/C 60/05)

1. On 9 February 2016, 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 United Technologies Corporation ('UTC', United States) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of the undertaking Riello Group SpA ('Riello Group', Italy) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for UTC: the provision of high technology products and services for the building sectors and aerospace industries worldwide. The UTC group comprises the following four principal segments: (i) UTC Aerospace Systems, (ii) Pratt & Whitney, (iii) Otis, and (iv) UTC Climate, Controls & Security.
 - for Riello Group: manufacture and supply of combustion technology (burners) and water heating appliances (boilers and water heaters), which range from residential to large industrial applications.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in 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 email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference M.7945 — UTC/Riello Group, 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.7911 — CNCE/KM Group)****(Text with EEA relevance)**

(2016/C 60/06)

1. On 9 February 2016, 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 China National Chemical Equipment Co., Ltd ('CNCE', China) wholly owned by China National Chemical Corporation, a state-owned enterprise, acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of KraussMaffei Group GmbH ('KM', Germany), by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for CNCE: principally active in the manufacture and sale of chemical production machinery, rubber production machinery, automobile parts, ship building and repairing, and the provision of engineering and trade services,
 - for KM: principally active in the manufacture and supply of plastics and rubber processing machinery, including injection moulding, extrusion and reaction processing machines, as well as related 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.
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 email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference M.7911 — CNCE/KM Group, 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').

Prior notification of a concentration**(Case M.7841 — Avril Pôle Animal/Tönnies International Holding/JV)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2016/C 60/07)

1. On 10 February 2016, 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 Avril Pôle Animal ('APA', France), belonging to the Avril group ('Avril', France), and Tönnies International Holding GmbH (Germany), belonging to the Tönnies group ('Tönnies', Germany) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created company ('NewCo', France) constituting a joint-venture.
2. The business activities of the undertakings concerned are:
 - for Avril: activities throughout the oil and protein sectors including the slaughtering of pigs and the production, marketing and sale of pork products for human and animal consumption.
 - for Tönnies: purchasing and slaughtering of pigs and beef cattle, the processing, packaging and sale of meat products.
 - for NewCo: processing, packaging and sale of fresh French origin pork and beef products to the retail channel for human consumption.
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.7841 — Avril Pôle Animal/Tönnies International Holding/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 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

(2016/C 60/08)

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

SINGLE DOCUMENT

‘ZAGORSKI PURAN’**EU No: HR-PGI-0005-01234 — 27.5.2014****PDO () PGI (X)****1. Description**

‘Zagorski puran’

2. Member State or Third Country

Croatia

3. Description of the agricultural product or foodstuff**3.1. Product type**

Class 1.1. Fresh meat (and offal)

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

‘Zagorski puran’ is a product obtained through the slaughter, at the age of six to eight months, of birds of the indigenous Croatian Zagorje breed of turkey reared using free-range methods (grazing) outdoors.

‘Zagorski puran’ is placed on the market fresh or frozen as a dressed carcass with neck and offal, or as a dressed half-carcass. Offal is understood to comprise the liver and dressed stomach, which are placed on the market alongside the dressed carcass, whereas the heart, kidneys and respiratory organs remain within the dressed carcass. ‘Zagorski puran’ is slaughtered in the period from 1 October to 30 April.

The turkey has been registered as a species in the FAOSTAT database (<http://faostat3.fao.org/home>), whereas ‘Zagorski puran’ as a breed has been registered in the central FAO databases DAD-IS (<http://dad.fao.org/>) and FABIS (<http://efabis.tzv.fal.de/>).

The characteristics of the product are as follows:

- for females (hen birds), the dressed carcass is anywhere up to 3,5 kg in weight, whereas for males it may be up to 5,5 kg;
- dressed carcasses placed on the market must have no visible external damage;
- dressed carcasses must not have any residual feathers;
- the colour of the skin of dressed carcasses must be uniform, from pale to light yellow in colour;
- the colour of the meat of dressed carcasses is whitish pink, grading into dark pink on the drumsticks;

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

- the layer of fat visible on the neck and abdominal opening of the carcass is yellow in colour;
- the natural form of the sternum stands out on the carcass and appears as a 'bulge' at the anterior end of the carcass.
- the bulge is more pronounced in the male than in the female bird;
- the skin is firm and hard to the touch. The legs lie tightly against the body.

The meat of 'Zagorski puran' is only eaten cooked. The meat is exceptionally juicy because of the high proportion of fat in the muscles and its tender and chewy consistency. It has the mild and pleasant aroma and taste characteristic of cooked meat, without any undesirable foreign impurities. The meat of the cooked turkey breast is white, whereas the meat on the forequarters is brown in colour.

There are four varieties of Zagorje turkeys that live in Hrvatsko Zagorje and are used to produce 'Zagorski puran': these are the bronze-feathered, black-feathered, grey-feathered and light-feathered varieties.

DNA analyses have confirmed that the ovalbumin gene of all varieties of Zagorje turkey has remained identical over the years, with negative environmental impacts having a minor effect on their phenotypical features. Similarly, measurements and comparisons have shown that no differences exist between the musculo-skeletal structure and quality of meat of the different varieties of 'Zagorski puran'.

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

The feeding of Zagorje turkeys takes place in two phases over the farming year. In the first phase until the chicks are eight weeks old, a traditional diet and/or compound feed may be used. The traditional diet most often comprises a mixture of boiled eggs, cottage cheese, milk, maize groats and green plants (nettles, lucerne, etc.).

In the later phase of farming, up until the chicks are 32 weeks old, their diet is based on grazing on pasture plus a supplement of maize and/or compound feed.

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

Birds of the indigenous 'Zagorski puran' breed of turkey intended for slaughter and placed on the market under the name 'Zagorski puran' must be housed, reared and fed in the defined geographical area referred to under point 4.

Production phases:

breeding and rearing of chicks

housing of Zagorje turkeys

feeding of Zagorje turkeys

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

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

On the packaging, along with the words 'Zagorski puran', it is important to clearly display the content of the packaged product. The words 'meso purana' ('meat of the male turkey') are included in a separate line on the packaging of the whole carcass of the male turkey, whereas the words 'meso purice' ('meat of the female turkey') are displayed in a separate line on the packaging of the whole carcass of the hen bird (female). In the case of a packaged half-carcass, the words 'polovica' ('half-carcass') and 'sa iznutricama' ('with offal') or 'bez iznutrica' ('without offal') are added to the words 'meso purana' or 'meso purice'.

No other words may be added next to the words 'Zagorski puran' on the labelling, such as: 'domaći' ('local'), 'tradicionalni' ('traditional'), 'pravi' ('genuine'), 'autohtoni' ('indigenous'), 'izvorni' ('original'), etc.

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

The area of Hrvatsko Zagorje includes the whole territory of Krapina-Zagorje County, the whole territory of Varaždin County and the edges of Zagreb County that border on Krapina-Zagorje and Varaždin Counties, specifically the municipalities of: Brdovec, Marija Gorica, Pušća, Dubravica, Luka, Jakovlje, Bistra and Bedenica.

5. Link with the geographical area

'Zagorski puran' is a product which relies on the reputation it has acquired for the quality of its meat. A number of accounts referring to the reputation of 'Zagorski puran' have been preserved, especially with regard to its export. These accounts demonstrate the connection between the name of the product (the quality of its meat depends on the free-range methods used to rear the turkeys outdoors) and the geographical area of production, Hrvatsko Zagorje.

In geographical terms, Hrvatsko Zagorje is a richly forested, undulating and rolling valley with hillocks. In climatic terms, it has a continental humid climate with moderately hot summers and cold, rainy winters. Because of its predominantly hilly terrain, the area has not been suitable for the intensive cultivation of arable crops and intensive livestock farming. It has instead been conducive to rearing Zagorje turkeys. Of the cereal crops, maize is most commonly cultivated and is used as feed for Zagorje turkeys. Due to overcrowding in populated areas and a paucity of available arable land, agricultural holdings in Hrvatsko Zagorje have traditionally been and remain generally small.

On the small agricultural holdings, Zagorje turkeys are reared in the traditional way, using free-range methods. The traditional method of rearing the birds relies on Zagorje turkeys spending the majority of their life in the open air. They move about freely in meadows, orchards and groves where, apart from pasture, they also feed on insects, grasshoppers and earthworms, which provide them with an additional source of protein.

The continental climatic conditions present in Hrvatsko Zagorje, characterised by clearly defined seasons, also suit the life rhythms of Zagorje turkeys, as evidenced by the phases of the year-round rearing cycle. In spring and summer, the warmer part of the year, conditions are favourable for breeding and the hatching of chicks. This is followed by the 'warm phase' of rearing, during which the young turkeys are kept indoors. This phase lasts until the turkeys are about eight weeks old. During this phase, only the breeders themselves feed the birds. While the birds are being reared indoors and near the end of the 'warm phase', warty outgrowths (caruncles or 'bobice') appear on the head and throat of young birds, which is a sign that the birds are becoming resistant to disease. The breeders recognise this period on the basis of their experience of rearing the birds and the age of the birds, because after around eight weeks of age, the age of the birds is no longer determined in weeks and months but rather by the changes to their appearance. After the appearance of the caruncles, the birds are put into an open enclosure, so that they can move around freely to feed themselves. This marks the beginning of the 'cold phase' of rearing, when the birds take care of themselves, uninfluenced by the breeder.

The end of the rearing season coincides with the approach of holidays at the end of one calendar year and the beginning of the next (Christmas and New Year), when virtually all full-grown turkeys, except for breeding flocks, are slaughtered in abattoirs and placed on the market as dressed whole or half carcasses. This traditional approach to rearing the birds, involving a full yearly cycle, has been maintained to the present day.

Zagorje turkeys have been reared in Hrvatsko Zagorje since the second half of the sixteenth century. According to the records of the Venetian municipal authorities, quoted by Georg Kodinetz, Professor at the Animal Husbandry Institute under the Faculty of Agriculture at the University of Zagreb, the first Zagorje turkeys were brought into Hrvatsko Zagorje from Italy and the first roast turkey was served at the table of the Pavlins of Lepoglava on the Feast of the Assumption in 1561, after which they started to be reared in the area.

The boom in the production of 'Zagorski puran' is closely related to its export. Export of the birds began at the end of the 19th century and reached its greatest intensity in the 1930s.

The free-range method of rearing Zagorje turkeys means that they grow relatively slowly, i.e. it takes at least six months to get them ready for slaughter, in contrast to hybrid turkeys, which are ready for slaughter after as few as three months of fattening. (Kerep's university thesis, *Regresijske analize u opisivanju rasta pura*, 2014).

Because the turkeys graze outdoors, the skin of the dressed carcass of 'Zagorski puran' is pale to bright yellow in colour, and the subcutaneous layers of fat of 'Zagorski puran' are clearly visible and yellow in colour, whereas the dressed carcass of the hybrid 'Nicholas' breed has pale to light-coloured skin without pigmentation, with little or no such fat. Analyses have found that the meat on the sternum of 'Zagorski puran' has a fat content of 10,32 %, whereas this is 6,91 % for commercial hybrid breeds (Analytical report, Euroinspekt Croatiakontrola, 2014).

Precisely because the turkeys graze outdoors and grow at a natural pace, 'Zagorski puran' has a robust constitution and contains a relatively large amount of yellowish fatty tissue. Owing to its more pronounced fat content, it has a greater amount of intramuscular fat, so cooked 'Zagorski puran' has a pronouncedly juicier and softer, more chewy consistency than that of hybrid breeds of turkey (Analytical report, Faculty of Food Technology and Biotechnology, University of Zagreb, 2015).

In his dissertation, Zlatko Janječić cites the scientific work of R. Latinović (1987), who classified turkey meat into four categories: I (breast meat), II (drumsticks), III (wings) and IV (back). According to this classification and on the basis of his own research, Zlatko Janječić determined that most of the meat of 'Zagorski puran' falls within the second, third and fourth categories, whereas the largest proportion of meat of 'Nicholas' and 'Jonson' breeds falls mainly within the first category. On average, breast meat comprises 31,52 % of the carcass of 'Zagorski puran', whereas the respective value for the 'Nicholas' hybrid is 37,58 %. Although meat of the first category (breast) is the most highly valued, given that 'Zagorski puran' is traditionally prepared whole as a roast irrespective of the size of the carcass, cutting and categorising have had no commercial importance as far as 'Zagorski puran' is concerned. By contrast, hybrid turkeys are selected for commercial industrial production, with emphasis being placed on carcass size. (Dissertation by Zlatko Janječić (2002), *Fenotipske i genotipske odlike Zagorskih purana* (Phenotypic and genotypic characteristics of 'Zagorski puran')).

The product name 'Zagorski puran' was first mentioned in the literature at the beginning of the 20th century. Although the Zagorje turkey was recorded in the FAO variety register as a recognised breed in 2000, 'Zagorski puran' has traditionally been used in common language and is still used even today (Documents held by Zadruga PZ Puran zagorskih brega, Krapina, 2004-2014). 'Zagorski puran' is the name most frequently used when referring to turkey dishes in recipe brochures and specialised journals (Gastroturizam brochure, 2011, and the journal *Meso*, No 6, 2009).

'Zagorski puran' has always been recognised as a speciality on the market, with meat of singular quality, and as linked to the area of Hrvatsko Zagorje and a free-range method of rearing the bird outdoors. References to the appearance and quality of 'Zagorski puran' are supported by the following quotations:

Writing about exports, Georg Kodinetz states: 'According to exporters, the best quality goods are "Zagorski puran" turkeys and turkey hens from the Hrvatsko Zagorje area' (Kodinetz, *Beitrag zur Kenntnis der Rasse und der Entwicklung des Zagorianer Truthuhnes (Meleagris gallopavo)* in C. Kronacher, *Zeitschrift für Tierzüchtung und Züchtungsbiologie*, Berlin, 1940).

According to the Slovenian newspapers *Slovenec* and *Domoljub*: 'In Croatia there is a singular speciality known as "Zagorski puran" which is well-known on all markets of the world. It was exported to the UK, Switzerland, Germany, Italy, Belgium and even to France which, despite having its own excellent turkeys and not wanting for turkey meat, nevertheless holds the quality of the Croatian turkey in high esteem' (*Slovenec*, 'Gospodarstvo', 1941; *Domoljub*, 'Kaj je novega?', 1941).

The renown of 'Zagorski puran' and the link between the product and its geographical area of production is also demonstrated by the results of a questionnaire conducted in 2010. Asked to highlight the statement best corresponding to 'Zagorski puran', most consumers (90 %) replied that for them it is associated with healthy and high-quality meat. In reply to the question about which region of Croatia consumers associated with turkeys, 61 % of respondents replied 'Hrvatsko Zagorje'. As to whether the consumers had heard of 'Zagorski puran', 87 % responded in the affirmative (Anketa Valicon, Žnidar et al., 2011).

Reference to publication of the product specification

(Article 6(1) second subparagraph of this Regulation)

<http://www.mps.hr/UserDocsImages/HRANA/PURANI/Izmijenjena%20Specifikacija%20proizvoda%20ZAGORSKI%20PURAN.pdf>

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