

Official Journal of the European Union

C 153



English edition

Information and Notices

Volume 59

29 April 2016

Contents

I *Resolutions, recommendations and opinions*

RECOMMENDATIONS

European Systemic Risk Board

2016/C 153/01	Recommendation of the European Systemic Risk Board of 24 March 2016 amending Recommendation ESRB/2015/2 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (ESRB/2016/3)	1
---------------	--	---

II *Information*

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2016/C 153/02	Non-opposition to a notified concentration (Case M.7980 — Sumitomo/Cosan/Biomassa) ⁽¹⁾	4
2016/C 153/03	Non-opposition to a notified concentration (Case M.7817 — OBI/bauMax Standort Steyr) ⁽¹⁾	4

EN

⁽¹⁾ Text with EEA relevance

IV Notices

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2016/C 153/04	Euro exchange rates	5
2016/C 153/05	New national side of euro coins intended for circulation	6

V Announcements

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

2016/C 153/06	Communication from the Commission published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case AT.39745 — CDS Information Market — ISDA	7
2016/C 153/07	Communication from the Commission published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case AT.39745 — CDS Information Market — Markit	10
2016/C 153/08	Prior notification of a concentration (Case M.8002 — Apollo Management/Açoreana Seguros) — Candidate case for simplified procedure ⁽¹⁾	13
2016/C 153/09	Prior notification of a concentration (Case M.7949 — Norwegian/Shiphold/OSM Aviation) ⁽¹⁾	14
2016/C 153/10	Prior notification of a concentration (Case M.8001 — Pillarstone/Sirti) — Candidate case for simplified procedure ⁽¹⁾	15

OTHER ACTS

European Commission

2016/C 153/11	Application for approval of a minor amendment in accordance with the second subparagraph of Article 53(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council	16
---------------	---	----

⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

EUROPEAN SYSTEMIC RISK BOARD

RECOMMENDATION OF THE EUROPEAN SYSTEMIC RISK BOARD

of 24 March 2016

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

(ESRB/2016/3)

(2016/C 153/01)

THE GENERAL BOARD OF THE EUROPEAN SYSTEMIC RISK BOARD,

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

Having regard to Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board ⁽¹⁾, and in particular Article 3 and Articles 16 to 18 thereof,

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽²⁾, and in particular Article 458(8) thereof,

Having regard to Decision ESRB/2011/1 of the European Systemic Risk Board of 20 January 2011 adopting the Rules of Procedure of the European Systemic Risk Board ⁽³⁾, and in particular Article 15(3)(e) and Articles 18 to 20 thereof,

Whereas:

- (1) Ensuring effectiveness and consistency of macroprudential policy requires policy makers to give due consideration to the cross-border effects of macroprudential policy measures adopted by individual Member States and, when warranted, to adopt suitable reciprocating macroprudential policy measures to address them.
- (2) The framework on voluntary reciprocation for macroprudential policy measures set out in Recommendation ESRB/2015/2 of the European Systemic Risk Board ⁽⁴⁾ should ensure that all exposure-based macroprudential policy measures activated in one Member State are reciprocated in the other Member States.
- (3) In the light of recent legislative developments in Belgium with respect to the implementation of the 5-percentage-point risk-weight add-on applied under Article 458(2)(d)(vi) of Regulation (EU) No 575/2013 to Belgian mortgage loan exposures of credit institutions using the internal ratings-based (IRB) approach, the General Board of the European Systemic Risk Board has decided to include the Belgian measure in the list of macroprudential policy measures which are recommended to be reciprocated under Recommendation ESRB/2015/2,

⁽¹⁾ OJ L 331, 15.12.2010, p. 1.

⁽²⁾ OJ L 176, 27.6.2013, p. 1.

⁽³⁾ OJ C 58, 24.2.2011, p. 4.

⁽⁴⁾ Recommendation ESRB/2015/2 of the European Systemic Risk Board of 15 December 2015 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (OJ C 97, 12.3.2016, p. 9).

HAS ADOPTED THIS RECOMMENDATION:

SECTION 1

AMENDMENTS

Recommendation ESRB/2015/2 is amended as follows:

(1) Section 1, sub-recommendation C(1) is replaced by the following:

- ‘1. The relevant authorities are recommended to reciprocate the macroprudential policy measures adopted by other relevant authorities and recommended for reciprocation by the ESRB. It is recommended that the following measures be reciprocated:

Belgium:

- a 5-percentage-point risk-weight add-on applied under Article 458(2)(d)(vi) of Regulation (EU) No 575/2013 to Belgian mortgage loan exposures of credit institutions using the internal-ratings based approach as further described in the annex.’;

(2) the text set out in the Annex is added as an annex to Recommendation ESRB/2015/2.

Done at Frankfurt am Main, 24 March 2016.

The Chair of the ESRB

Mario DRAGHI

ANNEX

‘ANNEX

Belgium

5-Percentage-point risk-weight add-on applied under Article 458(2)(d)(vi) of Regulation (EU) No 575/2013 to Belgian mortgage loan exposures of credit institutions using the internal-ratings based approach (IRB credit institutions)

I. Description of the measure

1. The Belgian measure constitutes a 5-percentage-point increase in risk weights applied by IRB credit institutions to the exposure value of Belgian mortgage loans. Specifically, the risk weighting, calculated in accordance with Article 154(3) of Regulation (EU) No 575/2013, for retail exposures secured by residential immovable property located in Belgium is increased by 5 percentage points. For example, a risk weighting of 10 percent applied by IRB credit institutions to Belgian mortgage loans is increased to 15 percent.

II. Reciprocation

2. In accordance with Article 458(5) of Regulation (EU) No 575/2013, relevant authorities are recommended to reciprocate the Belgian measure for the exposure value of Belgian mortgage loans issued by domestically authorised branches, located in Belgium, of IRB credit institutions established in their respective jurisdictions. For the purposes of this paragraph, the deadline specified in sub-recommendation C(3) applies.
 3. Where there are no IRB credit institutions located in other Member States with branches established in Belgium that have material exposures to the Belgian mortgage market, relevant authorities may decide not to apply Article 458(5) of Regulation (EU) No 575/2013. Where a new decision to extend the period of application of the Belgian measure has been adopted under Article 458(9) of Regulation (EU) No 575/2013, relevant authorities are recommended to review the situation and, if deemed necessary, reciprocate the Belgian measure.
 4. Relevant authorities are also recommended to reciprocate the Belgian measure for the exposure value of Belgian mortgage loans provided directly across borders by IRB credit institutions established in their respective jurisdictions. In accordance with sub-recommendation C(2), relevant authorities are recommended to apply, following consultation with the ESRB, the macroprudential policy measure available in their jurisdiction that has the effect most equivalent to the above reciprocation, including adopting supervisory measures and powers laid down in Title VII, Chapter 2, Section IV of Directive 2013/36/EU. Relevant authorities are recommended to adopt the equivalent measure within six months.
 5. Where there are no IRB credit institutions located in other Member States with material direct cross-border exposures to the Belgian mortgage market, relevant authorities may decide not to reciprocate. Where a new decision to extend the period of application of the Belgian measure has been adopted under Article 458(9) of Regulation (EU) No 575/2013, relevant authorities are recommended to review the situation and, if deemed necessary, reciprocate the Belgian measure.’
-

II

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

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case M.7980 — Sumitomo/Cosan/Biomassa)****(Text with EEA relevance)**

(2016/C 153/02)

On 20 April 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 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 32016M7980. EUR-Lex is the online access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration**(Case M.7817 — OBI/bauMax Standort Steyr)****(Text with EEA relevance)**

(2016/C 153/03)

On 2 December 2015, 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 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 32015M7817. EUR-Lex is the online access to 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⁾

28 April 2016

(2016/C 153/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,1358	CAD Canadian dollar	1,4262
JPY Japanese yen	122,84	HKD Hong Kong dollar	8,8111
DKK Danish krone	7,4432	NZD New Zealand dollar	1,6287
GBP Pound sterling	0,77838	SGD Singapore dollar	1,5273
SEK Swedish krona	9,1763	KRW South Korean won	1 295,54
CHF Swiss franc	1,0974	ZAR South African rand	16,3328
ISK Iceland króna		CNY Chinese yuan renminbi	7,3562
NOK Norwegian krone	9,2460	HRK Croatian kuna	7,4800
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	14 977,23
CZK Czech koruna	27,045	MYR Malaysian ringgit	4,4251
HUF Hungarian forint	310,70	PHP Philippine peso	53,309
PLN Polish zloty	4,3880	RUB Russian rouble	73,5195
RON Romanian leu	4,4723	THB Thai baht	39,804
TRY Turkish lira	3,1963	BRL Brazilian real	3,9907
AUD Australian dollar	1,4906	MXN Mexican peso	19,6713
		INR Indian rupee	75,5310

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

New national side of euro coins intended for circulation

(2016/C 153/05)



National side of the new commemorative 2-euro coin intended for circulation and issued by the Republic of San Marino

Euro coins intended for circulation have legal tender status throughout the euro area. For the purpose of informing the public and all parties who handle the coins, the Commission publishes a description of the designs of all new coins ⁽¹⁾. In accordance with the Council conclusions of 10 February 2009 ⁽²⁾, euro-area Member States and countries that have concluded a monetary agreement with the European Union providing for the issuance of euro coins are authorised to issue commemorative euro coins intended for circulation, provided that certain conditions are met, one of these being that only the 2-euro denomination is used. These coins have the same technical characteristics as other 2-euro coins, but their national face features a commemorative design that is highly symbolic in national or European terms.

Issuing country: The Republic of San Marino

Subject of commemoration: 400th anniversary of the death of William Shakespeare

Description of the design: The design depicts a portrait of the poet. On the right, in a semi-circle, the dates '1616-2016' and the name of the issuing country 'San Marino'; on the bottom right, the initials of the artist 'MB'. On the left, in a semi-circle, the inscription 'William Shakespeare'; on the bottom left, the mintmark 'R'.

The coin's outer ring depicts the 12 stars of the European flag.

Number of coins to be issued: 85 000

Date of issue: September 2016

⁽¹⁾ See OJ C 373, 28.12.2001, p. 1 for the national faces of all the coins issued in 2002.

⁽²⁾ See the conclusions of the Economic and Financial Affairs Council of 10 February 2009 and the Commission Recommendation of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation (OJ L 9, 14.1.2009, p. 52).

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

**Communication from the Commission published pursuant to Article 27(4) of Council Regulation
(EC) No 1/2003 in Case AT.39745 — CDS Information Market — ISDA**

(2016/C 153/06)

1. Introduction

- (1) According to Article 9 of Council Regulation (EC) No 1/2003 ⁽¹⁾, the Commission may decide – in cases where it intends to adopt a decision requiring that an infringement be 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. 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. A Commission decision pursuant to Article 9 does not find an infringement.

2. Summary of the Case

- (2) On 1 July 2013, the Commission adopted a Statement of Objections (SO) within the meaning of Article 10 of Commission Regulation (EC) No 773/2004 ⁽²⁾ concerning an alleged infringement of Article 101 of the Treaty and Article 53 of the EEA Agreement by The International Swaps and Derivatives Association (ISDA) in relation to credit derivatives. An SO sets out a preliminary competition assessment and can serve as basis for commitments within the meaning of Article 9 of Regulation (EC) No 1/2003.
- (3) In its SO, the Commission assumed that there could be a one-direction one-off migration from the market of OTC trading of credit derivatives to the potential new market for exchange trading of credit derivatives, as exchange-traded credit default swaps (CDS) or credit futures would be reasonable substitutes for liquid and standardised OTC traded CDS. A CDS is comparable to an insurance policy on corporate or sovereign debt (i.e., a bond or a loan) where the CDS buyer pays a quarterly premium and the CDS seller promises to cover the losses on the debt should the debtor go into default. While in OTC trading investment banks are needed as bilateral intermediaries between buyers and sellers (referred to as 'CDS dealers'), they play an important role as liquidity providers in the start-up phase of exchange trading and are later disintermediated in an all-to-all and anonymous trading environment.
- (4) ISDA is a trade association representing the financial derivatives industry. ISDA has a broad membership including in particular also CDS dealers. In 2003 ISDA developed the Credit Derivatives Definitions which serve as standard documentation for OTC traded credit derivatives. The Credit Derivatives Definitions also incorporate a methodology to settle CDS contracts following a credit event by means of a credit event auction which provides the parties to a credit derivative contract with a price for the residual value of an underlying defaulted bond. This price is also referred to as the 'Final Price' or the ISDA Final Price. ISDA claims proprietary rights to the Final Price and in particular a right to license the use of the Final Price for the settlement of exchange traded credit derivative contracts.

⁽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 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.

⁽²⁾ OJ L 123, 27.4.2004, p. 18.

- (5) According to the SO, Deutsche Boerse (Eurex) launched an exchange-traded credit futures product in March 2007 and CMDX, a joint venture between hedge fund Citadel and the Chicago Mercantile Exchange, intended to launch an exchange-traded credit futures product at the end of 2008. According to the SO, both entities sought licences to reference ISDA's Final Price in their exchange traded credit derivatives in order to price their credit futures following the occurrence of a credit event. According to the SO, ISDA denied a licence for the Final Price to Eurex (in 2007) and to CMDX (in 2008). The SO also took the preliminary view that ISDA's Board of Directors in 2007 adopted a resolution excluding the licensing of the Final Price for exchange-trading purposes. According to the SO, this resolution was implemented in a Use Agreement on the website www.creditfixings.com. The text of the Use Agreement remained unchanged since then and is still in force today.
- (6) The SO raised the preliminary competition concern that ISDA's conduct may have prevented potential entrants from successfully launching an all-to-all exchange trading platform for credit derivatives. ISDA contests that the Final Price was indispensable for settling exchange traded credit derivatives and it put forward a number of concerns for the integrity of the credit event auction if the Final Price were licensed for exchange trading purposes. A key concern of ISDA relates to the ability of bidders during a credit event auction to manipulate auction results in order to benefit from open contracts traded outside the auction on an exchange.
- (7) The SO preliminarily qualified ISDA's alleged licensing refusals as decisions of an association of undertakings which restricted potential competition within the meaning of Article 101 of the Treaty and Article 53 of the EEA Agreement.

3. The Main Content of the Offered Commitments

- (8) ISDA disagrees with the preliminary conclusions set out in the SO. ISDA nevertheless offers behavioural and organisational commitments pursuant to Article 9 of Regulation (EC) No 1/2003 (the 'Commitments') to meet the Commission's preliminary competition concerns in relation to the licensing of its Final Price. The key elements of the Commitments are described below.
 - (a) *Behavioural Commitments*
- (9) ISDA commits to granting licences to use the Final Price for the purposes of exchange trading to any Applicant on fair, reasonable and non-discriminatory (FRAND) terms and conditions within a negotiating period of 120 days (with a possible agreed extension of 30 days).
- (10) ISDA is relieved from its obligations under its Commitments, and may, in particular, file a claim against any Applicant for Injunctive Relief before any court or tribunal for infringement of ISDA's rights in the Final Price, without so doing constituting a breach of the Commitments, if:
 - (i) the Applicant fails to agree or comply with the provisions of a Final Price Trading Licence agreement,
 - (ii) the Applicant is facing Imminent Default and fails to provide guarantees for the payment of its licensing fees,
 - (iii) a Final Price Trading Licence is terminated under the circumstances provided for in paragraph 17 of the Commitments.
- (11) According to paragraph 17 of the Commitments, ISDA may also terminate a licence under certain strict conditions where it demonstrates that Auction participants manipulate a credit event auction due to specific features of an exchange traded credit derivative that has been licensed by ISDA. ISDA considers this safeguard necessary to protect the integrity of the auction should other less disruptive measures fail to provide relief to the auction manipulation concern.
- (12) ISDA may also ask licensed trading venues to cooperate in good faith with the auction administrator by providing certain anonymous and aggregated information such as on the net open interest of licensed credit futures. ISDA may moreover seek good faith cooperation from licensed trading venues in improving the credit event auction rules specifically to reduce the risk of auction manipulations by reference to exchange traded credit derivatives.
- (13) The Commitments foresee two types of dispute resolution mechanisms.
- (14) If a dispute arises regarding the commercial terms of the licence agreement, i.e., the 'FRAND' terms, ISDA commits to accepting arbitration by an independent senior lawyer chosen by the Applicant. If no arbitral award is issued within a certain delay, ISDA and the applicant will follow court adjudication.

- (15) If a dispute arises in relation to a concrete auction manipulation concern and ISDA intends to terminate a licence, a technical expert acting as Monitoring Trustee will hear ISDA, the licensed trading venue and the auction administrators. Based on proposals of all parties and its own experience, the Trustee shall decide whether it is necessary to approve ISDA's request for terminating a licence or whether other less disruptive means are available to protect the integrity of the credit event auction, including changes to the auction rules and/or changes to the design of the exchange traded credit derivative. The Monitoring Trustee is appointed by the EU Commission's DG Competition based on three proposals of ISDA. Every candidate must have professional experience with the conduct of auctions on trading venues.
- (16) Decisions of the Monitoring Trustee are final for the Parties but not prejudicial for the European Commission.
- (17) ISDA finally also commits to instructing the administrator(s) of the www.creditfixings.com website to remove any restrictions inhibiting the use of the Final Price for exchange trading purposes.

(b) Organisational Commitments

- (18) ISDA commits to modifying its procedures for licensing requests regarding the Final Price to exclude CDS dealers from ISDA's licensing decisions. The authority to award licences of the Final Price will no longer rest with ISDA's Board of Directors or a sub-committee thereof, on which CDS dealers may sit, but be vested with ISDA's Chief Executive Officer. While ISDA may continue to consult its members on purely technical issues to develop the credit event auction methodology, such consultation shall neither directly nor indirectly relate to the merits of individual licensing requests. Where individual licensing requests require changes to the process or the organisation of the auction, ISDA may seek technical advice from independent experts.
- (19) ISDA commits to implementing these Commitments with effect from the date of notification of the Commission's commitment decision for a period of 10 years. The Monitoring Trustee will report annually to the Commission on the implementation of the Commitments.
- (20) The Commitments are published on the website of the Directorate-General for Competition at:

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

4. Invitation to make Comments

- (21) Subject to market testing, the Commission intends to adopt a decision under Article 9(1) of Regulation (EC) No 1/2003 declaring binding the commitments summarised above and published on the internet, on the website of the Directorate-General for Competition, to be binding.
- (22) In accordance with Article 27(4) of Regulation (EC) No 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 and by the words 'business secrets' or 'confidential'. Third parties may also in exceptional circumstances submit observations on an anonymous basis and in such hypothesis may provide a non-confidential version which redacts the company's identity.
- (23) Observations 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.
- (24) Observations can be sent to the Commission under reference number AT.39745 CDS Information Market either by e-mail (COMP-GREFFE-ANTITRUST@ec.europa.eu) or by post to the following address:

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

Communication from the Commission published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case AT.39745 — CDS Information Market — Markit

(2016/C 153/07)

1. Introduction

- (1) According to Article 9 of Council Regulation (EC) No 1/2003 ⁽¹⁾, the Commission may decide – in cases where it intends to adopt a decision requiring that an infringement be 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. 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. A Commission decision pursuant to Article 9 does not find an infringement.

2. Summary of the Case

- (2) On 1 July 2013 the Commission adopted a Statement of Objections ('SO') within the meaning of Article 10 of Commission Regulation (EC) No 773/2004 ⁽²⁾ concerning an alleged infringement of Article 101 of the Treaty and Article 53 of the EEA Agreement by Markit affecting the market for unfunded credit derivatives traded over-the-counter (OTC) and the potential market for unfunded credit derivatives traded on exchange. An SO can serve as a preliminary assessment for the purpose of Article 9 of Regulation (EC) No 1/2003.
- (3) According to the SO, there could be a one-direction one-off migration from the market of OTC trading of credit derivatives to the potential market for exchange trading of credit derivatives, as exchange-traded credit default swaps ('CDS') or credit futures would be reasonable substitutes for liquid and standardised OTC-traded CDS. While in OTC trading, investment banks are needed as bilateral intermediaries between buyers and sellers, they play an important role as liquidity providers in the start-up phase of exchange trading, and are later disintermediated in an all-to-all and anonymous trading environment.
- (4) Markit is a financial information and services company, collecting and monetising data on credit derivatives and other asset classes. In 2008, Markit owned all rights for the iTraxx and CDX indices ('Indices') which it had acquired a year before from certain CDS dealers. Dealers continued to play an important role in Markit's Index advisory committees, including advising Markit on licensing the Indices for new types of product. According to the SO, in 2008 hedge fund Citadel and the Chicago Mercantile Exchange wanted to launch exchange trading for CDS through a joint venture (CMDX). They approached Markit to seek a licence for iTraxx and CDX in order to launch a platform that would have enabled users to trade CDS both OTC and eventually also all-to-all (including through a Central Limit Order Book, 'CLOB'). Markit allegedly refused to license the iTraxx and CDX Indices for purposes other than request for quote ('RFQ') OTC trading and clearing. According to the SO, Markit explicitly excluded CLOB trading from the scope of its licence, excluding all-to-all trading.
- (5) The SO raised a preliminary competition concern that this conduct may have prevented Citadel and CME from successfully launching an exchange trading platform for credit derivatives. According to the SO, Markit took the decision not to license the Indices for exchange trading purposes after consulting CDS dealers on Markit's three index advisory committees.
- (6) According to the SO, Markit's alleged refusal constituted a decision of an association of undertakings which restricted potential competition within the meaning of Article 101 of the Treaty and Article 53 of the EEA Agreement.

⁽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 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.

⁽²⁾ OJ L 123, 27.4.2004, p. 18.

3. The Main Content of the Offered Commitments

- (7) Markit does not agree with the preliminary conclusions of the SO. Markit has nevertheless offered behavioural and organisational commitments pursuant to Article 9 of Regulation (EC) No 1/2003 to meet the Commission's preliminary competition concerns. The key elements of the commitments are described below.

(a) Behavioural Commitments

- (8) As regards licensing, Markit commits to act and grant licences in a fair, reasonable and non-discriminatory (FRAND) manner in response to requests for licences to create and/or trade exchange-traded financial products (including swaps, futures and options products) based on an iTraxx or CDX index, or a successor product. To the extent that an existing licence issued by Markit still excludes the use of an Index for exchange trading, Markit commits to amend such licence or to offer a new one on FRAND terms and conditions. Markit may decline a request for an Index licence on FRAND terms and conditions:

(a) where the proposed exchange-traded product creates significant legal or regulatory risks or very significant reputational risks for Markit and/or for the Indices which cannot adequately be addressed by a disclaimer or other contractual provisions; or

(b) where the trading venue has insufficient experience and resources to develop and launch the proposed exchange-traded product. The launch of a new product does not in itself constitute insufficient experience.

- (9) Where an existing licence contains an exclusivity period, the commitments will only apply after expiry of any mandatory exclusivity period, to the extent that the commitments and the exclusivity terms are incompatible. New exclusivity periods may not be granted. The FRAND commitment does not prevent Markit from granting preferential or advantageous terms for an initial period of no more than two years if the creation and development of a new product based on an index requires material up-front investments and if comparable entrants are treated similarly.

- (10) Markit will seek to reach agreement with a requesting party within three months of each FRAND licence request, but such negotiation period may under certain circumstances be extended to six months. Once Article 37(1) MIFIR⁽¹⁾ enters into application, such negotiating period may not exceed the duration foreseen under the Regulation, currently three months. If parties are unable to agree terms and conditions by the end of the negotiation period, the requesting party may request in writing to Markit that the matter be submitted to independent third party arbitration for deciding the appropriate procedure and method for determining FRAND terms and conditions.

- (11) Disputes concerning the determination of FRAND terms, or those arising from the refusal to grant a licence on the basis of the considerations set out in paragraph (8) (a) and (b) above, will be submitted to arbitration by a three-member arbitration panel whose decision shall be binding. The arbitration will be governed by the laws of England and Wales and be subject to the rules of the London Court of International Arbitration. If the arbitrators do not render a decision within nine months, the requesting party may submit the matter to the courts of England and Wales.

(b) Organisational Commitments

- (12) Markit commits to enlarging membership of its two remaining CDS Index Advisory Committees (IMC and CDX) ('the committees'), which will include a range of relevant market participants other than CDS dealers. The committees will have at least 25 members, including up to four market makers in either the Index or the underlying market that are not large dealers, at least six non-dealer buy-side firms or other asset managers and at least five trading platforms, exchanges, clearing houses or similarly interested market participants. Members will serve for up to two years (extension possible), membership will rotate, and at least 50 % of the initial members within each category shall change after the first year.

- (13) Markit moreover commits to amending the terms of reference of the committees to limit discussions to technical, operational and administrative matters. Markit will ban discussions on licensing decisions or on the terms, commercial aspects or revenue generation proposals relating to the CDX and iTraxx Indices, on the merits of proposed new exchange-traded financial products referencing such Indices or the merits of any new exchange or similar platform designed for the trading of products that reference such Indices ('excluded issues'). A Markit lawyer will attend and record all meetings and conference calls and will take written minutes. Such minutes and recordings as well as papers tabled for discussions will be retained by Markit for five years.

⁽¹⁾ Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).

- (14) A Monitoring Trustee will be appointed by Markit after approval by the Commission. The Trustee will annually report to the Commission on Markit's compliance with the proposed commitments. In particular, a Monitoring Trustee will verify that dealers do not unduly influence Markit's licensing decisions in committees and that no excluded matters are discussed.
- (15) With regard to a future availability of the Final Price on FRAND terms to any requesting legal entity, Markit will remove from the www.creditfixings.com website clauses that exclude the use of the Final Price for exchange trading and will not require a licence for the Final Price or charge royalties where ISDA has granted a licence.
- (16) Markit commits to implementing these commitments with effect from the date of notification of the Commission's decision under Article 9(1) of Regulation (EC) No 1/2003 for so long as Markit owns and controls the indices, or for a period of 10 years, whichever is the earlier.
- (17) The commitments are published on the website of the Directorate-General for Competition at:
- http://ec.europa.eu/competition/index_en.html

4. Invitation to make Comments

- (18) Subject to market testing, the Commission intends to adopt a decision under Article 9(1) of Regulation (EC) No 1/2003 declaring binding the commitments summarised above and published on the internet on the website of the Directorate-General for Competition.
- (19) In accordance with Article 27(4) of Regulation (EC) No 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 and by the words 'business secrets' or 'confidential'. Third parties may also in exceptional circumstances submit observations on an anonymous basis and in such hypothesis may provide a non-confidential version which redacts the company's identity.
- (20) Observations 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.
- (21) Observations can be sent to the Commission under reference number AT.39745 CDS Information Market either by e-mail (COMP-GREFFE-ANTITRUST@ec.europa.eu) 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.8002 — Apollo Management/Açoreana Seguros)
Candidate case for simplified procedure
(Text with EEA relevance)
(2016/C 153/08)

1. On 21 April 2016, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which investment funds managed by affiliates of Apollo Management LP ('Apollo', United States), through the special purpose vehicle Calm Eagle Holdings Sàrl ('Calm Eagle', Luxembourg), acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over Açoreana Seguros, SA ('Açoreana', Portugal) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Apollo: investment funds involved in various businesses throughout the world, such as life and non-life insurance, chemical, cruise line, logistics, paper, and metals businesses,
- Açoreana: life and non-life insurance products and services in Portugal.

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.8002 — Apollo Management/Açoreana Seguros, 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.7949 — Norwegian/Shiphold/OSM Aviation)
(Text with EEA relevance)
(2016/C 153/09)

1. On 21 April 2016, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Norwegian Air Resources Holding Ltd ('NARH', Ireland), controlled by Norwegian Air Shuttle ASA ('Norwegian', Norway), and OSM Aviation Group Ltd ('OSM Aviation Holding', Cyprus), controlled by Shiphold Ltd ('Shiphold', Cyprus), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the whole of the undertaking OSM Aviation Ltd ('OSM Aviation', Cyprus) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for NARH: resource company providing crew and crew management services to Norwegian, which is active in the market of passenger air transport services,
- for OSM Aviation Holding: holding company controlled by Shiphold, which is active in the market of shipping and ship owning,
- for OSM Aviation: company active in crew management, providing a full range of services including employment and management of both flight deck and cabin crew to different airlines.

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.7949 — Norwegian/Shiphold/OSM Aviation, 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.8001 — Pillarstone/Sirti)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2016/C 153/10)

1. On 22 April 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 Pillarstone Italy SpA ('Pillarstone', Italy) an investment fund indirectly controlled by KKR & Co. LP ('KKR', United States), acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking Sirti SpA ('Sirti', Italy) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Pillarstone: Pillarstone is a fund which is indirectly controlled by KKR. Pillarstone has been set up as an investment vehicle to provide companies with new capital,
 - for KKR: KKR is a global investment firm that manages investments across multiple asset classes, including private equity, energy, infrastructure, real estate, credit strategies and hedge funds,
 - for Sirti: Sirti is an Italian-headquartered company active in providing civil engineering services. Sirti focuses on designing, engineering, implementing, maintaining and managing networks and systems to the telecommunications, power, railway, transportation and TV broadcasting industries. In addition, Sirti is active in the IT services industry and provides IT services in the telecommunications, government and utilities sectors. Sirti is largely active in Italy, but also has some activities in other European countries including Sweden.
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 email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.8001 — Pillarstone/Sirti, 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

Application for approval of a minor amendment in accordance with the second subparagraph of Article 53(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council

(2016/C 153/11)

The European Commission has approved this minor amendment in accordance with the third subparagraph of Article 6(2) of Commission Delegated Regulation (EU) No 664/2014 ⁽¹⁾.

APPLICATION FOR APPROVAL OF A MINOR AMENDMENT

Application for approval of a minor amendment in accordance with the second subparagraph of Article 53(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽²⁾**‘PROSCIUTTO DI NORCIA’****EU No: IT-PGI-0217-01363 — 8.9.2015****PDO () PGI (X) TSG ()****1. Applicant group and legitimate interest**

Consorzio di Tutela dell'IGP Prosciutto di Norcia
Via Solferino No 26
06046 Norcia
ITALIA

Email: info@prosciuttodinorcia.com

The ‘Consorzio di Tutela dell'IGP Prosciutto di Norcia’ (Association for the protection of the ‘Prosciutto di Norcia’ PGI) is entitled to submit an amendment application pursuant to Article 13(1) of Ministry of Agricultural, Food and Forestry Policy Decree No 12511 of 14 October 2013.

2. Member State or Third Country

Italy

3. Heading in the product specification affected by the amendment(s)

- ☐ Description of product
- ☐ Proof of origin
- ☒ Method of production
- ☐ Link
- ☐ Labelling
- ☒ Other (Updated legal references; inspection body; packaging)

4. Type of amendment(s)

- ☐ Amendment to product specification of registered PDO or PGI to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012, that requires no amendment to the published single document.
- ☒ Amendment to product specification of registered PDO or PGI to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012, that requires an amendment to the published single document.

⁽¹⁾ OJ L 179, 19.6.2014, p. 17.

⁽²⁾ OJ L 343, 14.12.2012, p. 1.

- ☐ Amendment to product specification of registered PDO or PGI to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012, for which a single document (or equivalent) has not been published.
- ☐ Amendment to product specification of registered TSG to be qualified as minor in accordance with the fourth subparagraph of Article 53(2) of Regulation (EU) No 1151/2012.

5. Amendment(s)

Method of production

Article 3 'Raw materials' of the product specification is amended as follows:

- The sentence '(c) pigs bred from boars of other breeds or mixed-breed boars, provided that they are bred under selection or cross-breeding schemes whose aims are not incompatible with those of the Italian herd book for the ...'

is replaced by the following:

'(c) pigs bred from boars of other breeds or mixed-breed boars intended for the production of heavy pigs'.

This amendment aims to clarify the sentence 'There is no geographical limit to the origin of the pigs' immediately following point (c) of the next paragraph of the product specification.

In addition, the proposed amendment adheres to the principle of an open market economy with free competition, fully implementing and applying Articles 101 and 119 *et seq.* TFEU. This amendment is to be considered as 'minor' as it does not increase the restrictions on trade in the product or its raw materials and meets the general requirements of points (a) to (e) of the third paragraph of Article 53(2) of Regulation (EU) No 1151/2012.

- The sentence 'Together with the rearing methods, the feed must help ensure the production of a heavy pig by moderate daily increases in the ration.'

is replaced by the following:

'Together with the rearing methods, the feed must help ensure the production of a heavy pig.'

- The sentence 'Under this specification the rearing methods used, the type of feed allowed and the quantities and feeding methods employed are designed to produce traditional heavy pigs. This is achieved over time by means of moderate daily increases in the ration and a feeding regime that complies with the general rules in force.'

is replaced by the following:

'Under this specification the rearing methods used, the type of feed allowed and the quantities and feeding methods employed are designed to produce traditional heavy pigs. This is achieved over time by means of a feeding regime that complies with the general rules in force.'

The reason for this amendment is that the term 'moderate' is not specified and may give rise to various interpretations. Heavy pigs are produced using feeding and fattening methods that must comply with the requirements of Article 3 of the product specification applicable to the various weight categories of pigs in the growth phase, in particular Tables 1, 2 and 3 relating to 'type of feed allowed', total and cereal-based 'dry matter content', and other specifications regarding restrictions on the combined use of whey and buttermilk, the combined use of dehydrated potato and manioc, and the nitrogen content resulting from the use of distillers' dried grain. This shows that the product specification and the applicable regulations allow different feed formulations to be used that result in varying rates of daily increase in weight, which makes it difficult to specify 'moderate daily increase'.

- The sentence 'Pigs are sent to slaughter between the end of the ninth month and the end of the 15th month after birth.'

is replaced by the following:

'Pigs are sent to slaughter between 215 and 450 days after birth.'

The reason for this amendment is that pig feed formulations and rearing/rationing methods have made considerable advances while continuing to meet the specific requirements for heavy pigs set out in the 'Prosciutto di Norcia' PGI product specification. This has greatly increased, under equal genetic conditions, average daily gains in the fattening of pigs without affecting meat quality at the point of slaughter or processing. As a result, pigs often reach the minimum weight set by the product specification well before the age of 9 months (as early as 7-7,5 months) and exceed the maximum weight set by the product specification well before reaching the age of 15 months. This shortens the time allowed for sending pigs to slaughter, which reduces the supply of raw materials and results in the pig market becoming more unstable and farmers risking penalties if pigs fail to meet weight or age requirements. Therefore, the proposal to bring down the minimum age of pigs sent to slaughter to 215 days will allow farmers and slaughterers more time, including in cases of a higher average daily weight gain, without penalising farmers aiming to keep in step with advanced food rationing methods for fattening pigs without affecting the quality of the meat, as mentioned above.

- The sentence 'The carcasses obtained after slaughter must be classified as heavy in accordance with Regulation (EEC) No 3220/84, Commission Decision 2001/468/EC of 08/06/2001 and Ministerial Decree 11/07/2002 and must fall, on average, within the mid-range grades of the official system for assessing meat content.'

is replaced by the following:

'The carcasses obtained after slaughter must be classified as heavy in accordance with the applicable regulations and must fall, on average, within grades "E", "U", "R" or "O" of the official system for assessing meat content.'

This amendment is proposed because of both regulatory changes in the applicable framework and technical considerations regarding methods of production. In regulatory terms, it brings the product specification into line with the rules currently in force, as both Regulation (EEC) No 3220/84 and Commission Decision 2001/468/EC have been repealed. In technical terms, allowing the 'E' meat content grade for legs of heavy pig carcasses to be used in the production of 'Prosciutto di Norcia' means that carcasses are now included with a higher lean meat content — measured at the loin — as a percentage of carcass weight than the 'U' class currently provided for, but also that legs are included which are suitable for processing into 'Prosciutto di Norcia' because of their typical 'U' class fat cover.

- The sentence 'Medium-coarse sea salt (sodium chloride) and small quantities of pepper are used for salting.'

is deleted.

This is to improve the clarity of the product specification as the reference to salting and sea salt (sodium chloride) and the description of the relevant phases concern the 'Production method' described in Article 4 of the 'Prosciutto di Norcia' product specification, while the use of pepper is described not only in Article 4 but also in Article 5 'Curing'.

Article 4 'Production method' of the product specification is amended as follows:

- The sentence: 'The next step is to salt the legs in two stages using medium-coarse sea salt'.

is replaced by the following:

'The next step is to salt the legs in two stages using sea salt'.

The reason for deleting the reference to the grain size generally described as 'medium-coarse' is that the method used by modern salting plants has changed, as they calibrate the salt themselves according to the different characteristics of the raw material, temperature and relative humidity.

- After 'The legs are first prepared by squeezing the blood vessels and then rubbed with damp salt and dry salt.'

the following is inserted:

'Small quantities of pepper are added during salting if the pork fat used for the "coating" as referred to in Article 5 does not contain any.'

This addition reflects the previous amendment to Article 3 and is consistent with the specification of organoleptic characteristics in Article 6, which describes the aroma of the protected quality product when released for consumption as 'typical' and 'slightly spicy'. The latter characteristic also derives from the use of pork fat, which may contain pepper in accordance with the specifications in Article 5 'Curing'.

Other

Article 7 'Checks' of the product specification is amended as follows:

- The sentence: 'The conformity of products with this product specification is checked in accordance with Articles 10 and 11 of Regulation (EC) No 510/2006 by the inspection body called "3A Parco Tecnologico Agroalimentare dell'Umbria soc. cons. a r. l." with head office in Todi (PG), Fraz. Pantalla, tel. +39 07589571, fax +39 0758957257, email: certificazione@parco3a.org'

is replaced by the following:

'Compliance with the product specification is verified in accordance with Article 37 of Regulation (EU) No 1151/2012. The inspection body responsible for verifying compliance with the product specification is "3A Parco Tecnologico Agroalimentare dell'Umbria soc. cons. a r. l." with head office in Todi (PG), Fraz. Pantalla, tel. +39 0758957201, fax +39 0758957257, email: certificazione@parco3a.org'

This amendment only transposes the legislative amendment and updates the inspection body's telephone number.

Article 8 'Name and presentation' of the product specification is amended as follows:

- After the sentence:

'The mark consists of a symbol bearing the branded indication "Prosciutto di Norcia".'

the following paragraph is inserted:

"Prosciutto di Norcia" can also be released for consumption as a boned product, sliced or in portions of varying size and weight. For marketing, all these types of product must be packaged in suitable food containers or coverings, which must be properly sealed and labelled. In the preparation of whole boned ham or portions the branded mark must always remain visible.'

It was deemed appropriate to introduce the above paragraph in the product specification in order to provide more clarity on the types of products offered for sale and to meet the different needs of the market with regard to product packaging.

SINGLE DOCUMENT

'PROSCIUTTO DI NORCIA'

EU No: IT-PGI-0217-01363 — 8.9.2015

PDO () PGI (X)

1. Name

'Prosciutto di Norcia'

2. Member State or Third Country

Italy

3. Description of the agricultural product or foodstuff

3.1. Type of product

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

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

'Prosciutto di Norcia' PGI is cured raw ham that when released for consumption has a characteristic pear shape, weighs not less than 8,5 kg, and has an appearance when cut that is compact and ranges in colour from pink to red. It has a typically slightly spicy aroma and a savoury but not salty taste.

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

'Prosciutto di Norcia' PGI is obtained from legs of pork from the Italian Large White and Landrace traditional breeds of pig, as improved by the Italian herd book, or offspring of boars of these breeds; pigs bred from Italian Duroc boars, as improved by the Italian herd book; Pigs bred from boars of other breeds or mixed-breed boars intended for the production of heavy pigs are also allowed. There is no geographical limit to the origin of the pigs.

However, pigs with antithetic traits, with particular reference to porcine stress syndrome (PSS), are excluded, as are genetic types and animals deemed not to conform to these specifications and pure-bred Belgian Landrace, Hampshire, Piétrain, Duroc and Spotted Poland pigs.

The feed used must comply with trade standards. Together with the rearing methods, the feed helps ensure the production of a heavy pig weighing 160 kg with a 10 % margin.

Pigs weighing between 30 and 80 kg (live weight) must be fed on the fodder listed in Tables 1 and 2 of the production specification, care being taken to ensure that grain accounts for not less than 45 % of the dry matter. Only the fodder listed in Table 2 may be given to pigs weighing over 80 kg live weight, care being taken to ensure that the level of dry matter in the grain is no less than 55 % of the total.

The combined use of whey and buttermilk must not exceed 15 litres per pig/per day.

The nitrogen content resulting from the use of distillers' dried grain must be no more than 2 %.

The combined use of dehydrated potato and manioc must not exceed 15 % of the dry matter in the ration. The tolerance limit for the above parameters is a maximum of 10 %.

The composition of rations given must satisfy the animals' needs during the various growth phases in respect of the aims of this specification.

Mineral and vitamin supplements may be added to rations within the limits laid down by general legislation.

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

The production and curing phases for 'Prosciutto di Norcia' must take place within the production area delineated in point 4.

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

'Prosciutto di Norcia' can also be released for consumption as a boned product, sliced or in portions of varying size and weight. For marketing, all these types of product must be packaged in suitable food containers or coverings which must be properly sealed and labelled. In the preparation of the whole boned ham, or portions, the branded mark must always remain visible.

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

'Prosciutto di Norcia' is released for consumption bearing a special mark identifying the product. The mark consists of a symbol bearing the branded indication 'Prosciutto di Norcia'. The name of the protected geographical indication 'Prosciutto di Norcia' must appear in clear and indelible lettering, clearly identifiable from any other wording on the label and followed immediately by the words 'Indicazione geografica protetta' ('Protected Geographical Indication') and/or the initials 'IGP' ('PGI'), which must be translated into the language of the country in which the product is marketed. These indications accompany the logo of the designation. It is forbidden to add any description that is not expressly provided for.

However, the use of indications which make reference to names, company names and private marks, other than those with complimentary implications or likely to mislead the consumer, is authorised, as are names of pig farms from which the product comes.

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

The geographical area in which 'Prosciutto di Norcia' is produced comprises the municipalities of Norcia, Preci, Cascia, Monteleone Spoleto and Poggiodomo, situated at an altitude of over 500 metres above sea level.

5. **Link with the geographical area**

The geographical area indicated in point 4 is characterised by high mountain ridges, which prevent the influx of damp air from the sea, and by the presence of chalk formations which allow rainwater to disperse. These characteristics, combined with the special know-how and knowledge that the local inhabitants have acquired over the years in the field of pig farming and the preparation of cuts of pork have fostered an optimum natural and human environment for the production of quality ham in this geographical area.

'Prosciutto di Norcia' ham has an appearance when cut that is compact, ranges in colour from pink to red, and has a typically slightly spicy aroma and a savoury but not salty taste.

The specific quality of 'Prosciutto di Norcia' is closely linked not only to the human factors involved in its preparation but also to the environmental conditions. The area's natural environment is particularly propitious for the maturing and curing process owing to the climatic characteristics and the nature of the terrain, as described above. Also, the art of conserving pigmeat in the Nursino region was already famous in Roman times. As a result of the poverty associated with mountain farming and the imposed period of inactivity during the cold season, the inhabitants of the region were specialised in livestock farming activities. These activities spread during the period of the Republic and the Roman Empire, as well as under the domination of the Church, which sought to make the most of the Lazio rural areas. The local inhabitants therefore became specialists in the anatomy and slaughtering of pigs, as well as the preparation and conservation of cuts of pork using typical know-how that is still preserved today, the cuts being sold, salted and cured all around the area.

Reference to publication of the specification

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

The consolidated text of the product specification can be consulted on the following website:
<http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3335>

or alternatively:

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

