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Information and Notices

29 December 2006

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[1] Text with EEA relevance

(Continued overleaf)

EN

(1) Text with EEA relevance

I

(Information)

COUNCIL

Notice concerning the entry into force of the Treaty of Accession between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union)

and the Republic of Bulgaria and Romania,

concerning the accession of the Republic of Bulgaria and Romania to the European Union.

(2006/C 321/01)

Further to the deposit of all instruments of ratification and pursuant to Article 4(2) thereof, the Treaty of Accession, signed in Luxembourg on 25 April 2005 ([1]), will enter into force on 1 January 2007.

([1]) OJ L 157, 21.6.2005, p. 11

COMMISSION

Euro exchange rates [1]

28 December 2006

(2006/C 321/02)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,3173	SIT	Slovenian tolar	239,64
JPY	Japanese yen	156,61	SKK	Slovak koruna	34,561
DKK	Danish krone	7,4573	TRY	Turkish lira	1,8648
GBP	Pound sterling	0,67115	AUD	Australian dollar	1,6699
SEK	Swedish krona	9,0463	CAD	Canadian dollar	1,5268
CHF	Swiss franc	1,6058	HKD	Hong Kong dollar	10,2387
ISK	Iceland króna	93,60	NZD	New Zealand dollar	1,8731
NOK	Norwegian krone	8,2375	SGD	Singapore dollar	2,0209
BGN	Bulgarian lev	1,9558	KRW	South Korean won	1 224,69
CYP	Cyprus pound	0,5782	ZAR	South African rand	9,2590
CZK	Czech koruna	27,540	CNY	Chinese yuan renminbi	10,2935
EEK	Estonian kroon	15,6466	HRK	Croatian kuna	7,3495
HUF	Hungarian forint	251,92	IDR	Indonesian rupiah	11 905,10
LTL	Lithuanian litas	3,4528	MYR	Malaysian ringgit	4,6534
LVL	Latvian lats	0,6972	PHP	Philippine peso	64,679
MTL	Maltese lira	0,4293	RUB	Russian rouble	34,6940
PLN	Polish zloty	3,8305	THB	Thai baht	47,252
RON	Romanian leu	3,3980			

[1] *Source:* reference exchange rate published by the ECB.

Prior notification of a concentration

(Case COMP/M.4178 — MAN Ferrostaal/Eurotecnica Group)

(Text with EEA relevance)

(2006/C 321/03)

1. On 19 December 2006, 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 undertaking MAN Ferrostaal AG ('Ferrostaal', Germany) acquires within the meaning of Article 3 (1)(b) of the Council Regulation control of the whole of the undertaking Eurotecnica Melamine S.A. ('Eurotecnica', Luxembourg), belonging to Eurotecnica Group SA, by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Ferrostaal: a globally active engineering group also active in chemical engineering;

— for Eurotecnica: engineering services and licensing of production technologies for the chemical industry, including technology for the production of melamine.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. 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 (fax No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.4178 — MAN Ferrostaal/Eurotecnica Group, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Bruxelles/Brussel

[1] OJ L 24, 29.1.2004, p. 1.

List of the national competent authorities as provided for in Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents [1]

(2006/C 321/04)

(Note: This list and forthcoming updates will be also available in the internet [2])

EU Member State	Competent authority
Belgium	***FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, DG Leefmilieu, Dienst Risicobeheersing*** ***SPF Santé publique, Sécurité de la Chaîne alimentaire et Environnement*** (Public Health, Food Chain and Environment) EUROSTATION II Victor Hortaplein 40 bus 10/Place Victor Horta 40, boite 10 1060 Brussels/Bruxelles Tel. (32) 2 524 95 76 Fax (32) 2 524 95 03 e-mail: risk@health.fgov.be
Czech Republic	***Ministerstvo životního prostředí — Odbor environmentálních rizik*** (Ministry of Environment — Department of Environmental Risks) Vršovická 65 100 10 Praha 10 — Vršovice Tel. (420) 267 122 535 Fax (420) 267 310 013 e-mail: info@env.cz
Denmark	***Miljøstyrelsen — EPA*** (Ministry of Environment -Environmental Protection Agency) Strandgade 29 DK–1401 København K Tel. (45) 32 66 01 00 Fax (45) 32 66 04 74
Germany	***Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit*** (Ministry of Environment, Nature Protection and Nuclear Safety) Referat IG II 1 Robert-Schuman-Platz 3 DE–53175 Bonn Tel. (49-1888) 305 27 37/(49-1888) 305 27 33 Fax (49-1888) 305 35 24/(49-1888) 305 35 24 ***Umweltbundesamt*** (Federal Environment Agency) Wörlitzer Platz 1 DE–06844 Dessau Tel. (49-340) 21 03 33 17/ — 31 54 Fax (49-340) 21 04 33 17/ — 31 54 ***Bundesanstalt für Arbeitsschutz und Arbeitsmedizin*** (Federal Institute for occupational safety and health) FB 5.4 Friedrich-Henkel-Weg 1 DE–44149 Dortmund Tel. (49-231) 9071 — 2319 Tel. (49-231) 9071 — 2516

[1] OJ L 104, 8.4.2004, p. 1, as last amended by Commission Regulation (EC) No 907/2006 (OJ L 168, 21.6.2006, p. 5.
[2] http://ec.europa.eu/enterprise/chemicals/legislation/fertilizers/index_en.htm

EU Member State	Competent authority
Estonia	***Sotsiaalministeeriumi rahvatervise osakond*** (Ministry of Social Affairs/Public Health Department) Chemicals Safety Unit Gonsiori 29 15027 Tallinn Tel. (372) 626 91 53 Fax. (372) 699 22 09
Greece	***Ελληνικη Δημοκρατια*** ***Υπουργειο Οικονομικων*** (Ministry of Finance General Chemical State Laboratory Division of Raw Materials and Industrial Products) 16, An. Tsocha Street GR–115 21 Athina Tel. (30-210) 647 92 64/64 79 265 Fax (30-210) 644 16 48 e-mail: gxk-industrial@ath.forthnet.gr
Spain	***Ministerio de Industria y Energía*** (Ministry of Industry and Energy) Jefe de Servicio de Química Básica Paseo de la Castellana 160 ES–28071 Madrid Tel. (34-91) 349 42 20 Fax (34-95) 669 80 84
France	***Ministère de l'Ecologie et du Développement Durable, Direction de l'Eau*** ***Sous-Direction des Milieux Aquatiques et de la Gestion des Eaux*** (Ministry of Environment and Sustainable Development) Chef du Bureau de la Lutte contre les Pollutions Domestiques et Industrielles 20 Avenue de Ségur 75302 PARIS 07 SP Tel. (33-1) 42 19 12 37 Fax (33-1) 42 19 12 35 ***Ministère de l'Ecologie et du Développement Durable*** ***Bureau des Substances et Préparations Chimiques DPPR/SDPD*** (Ministry of Environment and Sustainable Development) 20, avenue de Ségur 75302 PARIS 07 SP Tel. (33-1) 42 19 15 45 Fax (33-1) 42 19 14 68 ***Ministère de l'Economie, des Finances et de l'Industrie*** Direction Générale des Entreprises, Bureau Chimie (Ministry of Economy, Finances and Industry) Bâtiment Le Bervil 12, rue VILLIOT 75572 Paris Cedex 12 Tel. (33-1) 53 44 94 52 Fax (33-1) 53 44 91 72
Ireland	***Department of the Environment and local government*** IE–Dublin Tel. (353-1) 888 20 00 Fax (353-1) 888 20 14 ***Department of Enterprise, Trade and Employment*** Kildare Street IE–Dublin 2 Tel. (353-1) 661 44 44/631 22 31/631 22 29 Fax (353-1) 662 25 22

EU Member State	Competent authority
Italy	***Ministero della Salute*** (Ministry of Health) Dirigente chimico Viale della Civiltà Romana 7 I-00144 Roma Tel. (39-06)59 94 34 39/59 94 32 12 Fax (39-06)59 94 35 54/59 94 32 27
Cyprus	***Υπουργείο Υγείας*** (Ministry of Health) Medical and Public Health Services Public Health Services 18, John Kennedy, Pallouriotissa CY-1449 Nicosia Tel. (357) 22 305 339 Fax (357) 22 305 345 e-mail: ministryofhealth@cytanet.com.cy
Latvia	***Veselības ministrija*** (Ministry of Health) Brivibas Str., 72 Riga, LV –1011 Tel. (371) 787 61 02 Fax (371) 787 60 71 ***Valsts sanitara inspekcija*** (State Sanitary Inspectorate) Ieriku Str., 3 Riga LV-1084 Tel. (371) 781 96 84 Fax (371) 781 96 72 e-mail: vsi@vsi.gov.lv ***LATVIJAS VIDES, ĢEOLOĢIJAS UN METEOROLOĢIJAS AĢENTŪRA*** (Latvian Environment, Geology and Meteorology Agency) Maskavas iela 165 Riga, LV-1019 Tel. (371) 714 61 38 Fax (371) 714 51 54 e-mail: lvgma@lvgma.gov.lv
Lithuania	***Ūkio ministerija*** (Ministry of Economy) Gedimino ave. 38/2 LT-01104, Vilnius Tel. (+370 5) 2623863 Fax (+370 5) 2623974 e-mail: kanc@ukmin.lt ***Valstybinė ne maisto produktų inspekcija prie Ūkio ministerijos*** (State non Food Inspectorate under the Ministry of Economy) Gedimino ave. 38/2 LT-01104, Vilnius Tel. (+370-5) 2612300 Fax (+370-5) 2629413 e-mail: rastine@is.lt
Luxembourg	***Administration de la Gestion de l'Eau — Direction*** (Water management) 51, rue de Merl L-2146 Luxembourg Tel. (352) 26 02 86 1

EU Member State	Competent authority
Hungary	***Környezet- és Természetvédelmi Főfelügyelőség*** (National Inspectorate for Environment, Nature and Water) Mészáros u. 58/a H-1016 Budapest Tel. (36-1) 224 9100 Fax (36-1) 224 9263 e-mail: orszagos@zoldhatosag.hu
Malta	***Foodstuff, Chemicals and Cosmetics Directorate/Malta Standard Authority*** Ministry of Competitiveness and Communications 2nd Floor, Evans Buildings Merchants Street Valletta VLT 03 Tel. (356) 21242420 Fax (356) 21242406 e-mail: info@msa.org.mt
The Netherlands	***Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer*** ***Directoraat-Generaal Milieubeheer*** (Ministry of Housing, Spatial Planning and the Environment) Ipc 650 or Ipc 655 Postbus 30945 NL–2500 GX Den Haag Tel. (30-70) 339 46 64 or (30-70) 339 43 79 Fax (30-70) 339 13 13 or (30-70) 339 43 79 ***Rijksinstituut voor Volksgezondheid en Milieu (VROM)*** (National Institute for Public Health and the Environment) Postbus 1 NL–3720 BA Bilthoven Tel. (31-30) 274 20 01/274 40 87 Fax (31-30) 274 44 13/274 44 01
Austria	***Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft*** (Federal Ministry of Agriculture, Forestry, Environment and Water management) Stubenbastei 5 AT–1010 Wien Tel. (43-1) 515 222 328/515 222 330 Fax (43-1) 515 227 334
Poland	***Biuro do Spraw Substancji i Preparatów Chemicznych*** ***Departament do Spraw Substancji i Preparatów Niebezpiecznych*** (Bureau for Chemicals Substances and Preparations) 8, Sw. Teresy Street 91-348 Lodz Tel. (48-42) 631 47 22 Fax (48-42) 631 46 79 e-mail: biuro@chemikalia.mz.gov.pl
Portugal	***Ministério da Economia e da Inovação*** (Minsitry of Economy and Innovation) Direcção Geral da Empresa Av. Visconde Valmor nº 72 1069-041 Lisboa Tel. (35-21) 791 91 00 e-mail: ue@dgempresa.min-economia.pt
Slovenia	***Ministrstvo za zdravje — Urad RS za kemikalije*** (Ministry of Health — National Chemicals Bureau) Mali trg 6 SI-1000 Ljubljana Tel. (386-1) 478-6051 Fax (386-1) 478-6266 e-mail: urad.kemikalije@gov.si

EU Member State	Competent authority
Slovakia	***Centrum pre chemické látky a prípravky*** (Centre for Chemical Substances and Preparations) Limbova 14 833 01 Bratislava Slovakia Tel. (+421) 2 59 369 608 Fax (+421)2 59 369 602 e-mail: detergent@ccsp.sk
Finland	***Suomen ympäristökeskus (SYKE)/Kemikaaliyksikkö*** (Finnish Environment Institute/Chemicals Unit) PO Box 140 FI–00251 Helsinki Tel. (358-9) 40 30 05 37 or 26 Fax (358-9) 40 30 05 91
Sweden	***Kemikalieinspektionen (KEMI)*** (Swedish Chemicals Inspectorate) Hazard and Risk Assessment Division Esplanaden 3 A, Box 2 172 13 Sundbyberg Tel. (46-8) 519 411 00 Fax: (46-8), 735 76 98 e-mail: kemi@kemi.se
United Kingdom	***Pesticides Safety Directorate*** Room 310/311, Mallard House, Kings Pool, 3 Peasholme Green, York YO1 2PX, Tel. (44-1904) 455 738/(44-1904) 455 708 Fax (44-1904) 455 733 e-mail: detergents@psd.defra.gsi.gov.uk ***Department of Trade and Industry*** 14 Park Lane Knebworth SG3 6PF Tel. (44-14) 38 81 21 07 or 52 32 Fax (44-14) 38 81 72 27

EFTA Members	Competent authority
Iceland	***Hollustuvernd ríkisins*** (Environmental and Food Agency of Iceland) Armula 1a IS–108 Reykjavík Tel. (354) 585 10 00 Fax (354) 585 10 10
Norway	***Statens forurensningstilsyn*** (Norwegian Pollution Control Authority) Strømsvelen 96 Postboks 8100 Dep. NO–0032 Oslo Tel. (47-22) 57 34 00/57 36 44 Fax (47-22) 67 67 06

Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(2006/C 321/05)

This publication confers the right to object to the application pursuant to Article 7 of Council Regulation (EC) No 510/2006. Statements of objection must reach the Commission within six months from the date of this publication.

SUMMARY

COUNCIL REGULATION (EC) No 510/2006

Application for registration according to Article 5 and Article 17(2)

'CASTAGNA CUNEO'

EC No: IT/PGI/005/0342/20.04.2004

PDO ( ) PGI (X)

This summary has been drawn up for information only. For full details, interested parties are invited to consult the full version of the product specification obtainable from the national authorities indicated in section 1 or from the European Commission ([1]).

1. *Responsible department in the Member State:*

Name:	Ministero delle politiche agricole e forestali
Address:	Via XX Settembre, n. 20 I-00187 Roma
Tel.:	(39-06) 481 99 68
Fax:	(39-06) 42 01 31 26
e-mail:	qtc3@politicheagricole.it

2. *Applicant group*

Name:	Società Asprofrut Società Consortile Cooperativa a r.l.
Address:	Via Caraglio, 16 I-12100 Cuneo
Tel.:	(39-0175) 28 23 11
Fax:	—
e-mail:	—
Composition:	Producers/processors (X) Other ( )

3. *Type of product:*

Group 1.6: Fresh or processed fruit and vegetables

4. *Specification (summary of requirements under Article 4(2))*

4.1 Name: 'Castagna Cuneo'

([1]) European Commission, Directorate-General for Agriculture and Rural Development, Agricultural Product Quality Policy, B-1049 Brussels.

4.2 Description: The PGI '*Castagna Cuneo*' may be used to denote only the following varieties of chestnut of the species 'Castanea sativa', excluding interspecific hybrids: Ciapastra, Tempuriva, Bracalla, Contessa, Pugnante, Sarvai d'Oca, Sarvai di Gurg, Sarvaschina, Siria, Rubiera, Marrubia, Gentile, Verdesa, Castagna della Madonna, Frattona, Gabiana, Rossastra, Crou, Garrone Rosso, Garrone Nero, Marrone di Chiusa Pesio and Spina Lunga.

It does not cover products obtained from coppices, mixed coppices or from high-growing coppices of old trees, even of the above species.

'*Castagna Cuneo*' PGI is characterised by its sweet, delicate flavour and the crunchiness of the epicarp, which makes it particularly well-suited for consumption either fresh or processed.

Fresh chestnuts have the following features when they are suitable for sale: pale to dark brown colour of the chestnut outer pericarp; a hazel-colour hilum of variable size, that never protrudes over the lateral edges; star-shaped streaks; yellow to pale brown epicarp with a crunchy consistency; white to cream-coloured seed; sweet and delicate flavour; size: maximum number of achenes per Kg = 110.

Produce must not display any internal or external defects (broken nuts, worm damage or presence, mould) in more than 10 % of nuts.

Dry, shelled chestnuts must be intact, healthy and pale straw-coloured. No more than 10 % of the nuts may have defects (traces of worms, deformations, breaks, traces of pericarp, etc.).

The water content in intact nuts thus obtained may not exceed 15 %.

4.3 Geographical area: The production area of the '*Castagna Cuneo*' PGI comprises about 110 municipalities in the Province of Cuneo, as defined in the product specification.

4.4 Proof of origin: Every stage in the production process must be monitored and a record made of the inputs and outputs at each stage. This, along with the compilation of specific lists managed by the inspection body of the facilities for producing *Castagna Cuneo* PGI and of producers and packagers, the maintenance of production and packaging lists and notification to the inspection body of the quantities and all batches of products packaged and labelled before sale ensures product traceability throughout the production chain. All natural and legal persons recorded in the lists may be subject to checks by the monitoring body, according to the terms of the production specification and the corresponding monitoring plan.

4.5 Method of production: The product specification stipulates, inter alia, that chestnut trees are to be located in sunny areas and sheltered from the wind. The use of fertilisers and synthetic plant health care products is prohibited except for those products authorised for organic farming (Regulation (EC) No 2092/1991 and successive regulations).

The density of trees in production may not exceed 150 trees per hectare.

The land must be kept clear of excessive weed and bush growth by mowing the grass every year and removing bushes, ferns and dead plants before the harvest to ensure the chestnut harvest can be done properly. Regular pruning of the trees to keep them clear of parasites is allowed.

The harvest may be done manually or mechanically (using harvest machines) provided they protect the integrity of the product.

The harvest period begins in early September and ends in November.

Fresh produce can be conserved by treating with hot water in accordance with the correct method traditionally practised.

The 'curing' technique of immersing the nut in water at room temperature for 7-9 days is permitted. This technique produces slight lactic fermentation which creates a practically sterile environment without using additives since it blocks the development of pathogenic fungi. Conservation by peeling and freezing is also permitted in accordance with the provisions for frozen produce.

The product *Castagna Cuneo — Secca* must be obtained using the traditional drying technique over a low and constant heat in drying chambers made of masonry, mainly by locals. The chestnuts are placed in these chambers on a grill shelf over a fire or heat exchanger. Waste and by-products of wood processing using chemically-treated wood may not be used as fuel. The process takes on average 30 days.

Sorting, sizing, treating and conserving the nuts must be carried out within the geographical area defined in Article 3 of the product specification.

4.6 Link: The application to register the PGI is based on the undoubted reputation of the product that has made the production area its natural habitat ever since antiquity. In the Province of Cuneo, the first references to chestnuts date back to towards the end of the 12th century, as attested by correspondence from the Certosa di Pesio (a local church) regarding land acquisition, which show that between 1173 and 1277, chestnut trees accounted for one fifth of agricultural land. The farming landscape of the Province of Cuneo in the early 1800s had vast areas of chestnut trees bordering on cultivated land that represented the majority of high-growing trees. In the 1800s, as in previous centuries, chestnut trees remained at the heart of organised farming life. Chestnuts were one of the few commercial opportunities in the mountains. In the autumn, farmers would descend from Alpine and Apennine villages with bags of chestnuts. The main market was in Cuneo, where one of the key events was St Martin's Day on 11 November, when chestnuts fetched the price of the most prized grapes. Cuneo has had a bustling market ever since the 1500s, and over the years has spread its influence throughout Europe. Domestic and foreign sales consistently grew thanks to a constant increase in demand for Cuneo chestnuts. The reputation of the PGI is not limited to the European market, especially strong in France, Germany, Austria, Switzerland and Britain, but is also highly acclaimed in other countries such as the United States and Argentina.

In addition, further proof of the reputation of *Castagna di Cuneo* is found in several festivals and meetings organised to celebrate the quality of the PGI, such as the 'Settimana del Castagno' (chestnut week) organised in Cuneo during which the top tradesmen in the sector discuss the various issues concerning this crop. In the past, the 'Sagra del Marrone' (chestnut festival) in Chiusa di Pesio was a key event that was closely followed even by the local papers, which always published detailed reports on the event. Such was the success of this festival that soon it was transferred to Cuneo, where the festivities had real flair and offered a wide range of attractions, with the chestnut stands playing a major role. However the oldest and most famous autumn festival is still the 'Fiera fredda di San Dalmazzo', the last one before the winter sets in. Now 430 years old, this festival has always represented the unquestionable link between the area of origin, the population and chestnuts.

The extensive recipe collection of Cuneo cookery, where *castagna di cuneo* is the undisputed champion, is the clearest evidence that chestnut growing is a tradition in the area of origin. As well as simply eating them fresh, chestnuts are used in a great many dishes, from the most simple traditional farmer's fare to highly refined recipes. Along with boiled or roasted chestnuts and 'mundaj' (pan-roasted chestnuts), which are a symbol of festivity and joy at gatherings, there are also '*marrons glacés*', balls of chocolate-coated chestnuts, or savoury dishes such as roast pork or venison with chestnuts.

4.7 Inspection body:

Name: Istituto Nord-Ovest Qualità Soc. Coop. a r.l.

Address: Piazza Carlo Alberto Grosso, n. 82
Moretta (CN)

Tel.: (39-0172) 91 13 23

Fax: (39-0172) 91 13 20

e-mail: inoq@isiline.it

4.8 Labelling: The following packaging may be used to sell fresh '*Castagna Cuneo*' PGI:

— bags made of various materials weighing between 0.10 and 30 Kg, mainly bags of 0.10, 0.25, 0.5, 1, 2.5, 5, 10, 25, or 30 Kg;

— wood or plastic crates sized 30 × 50 or 40 × 60;

— jute bags weighing between 5 and 100 Kg (5, 10, 25, 30, 50 and 100);

Selling '*Castagna Cuneo*' PGI — dry nuts: when released for consumption the following packaging may be used:

— bags made of various materials weighing between 0.10 and 30 Kg, mainly: 0.10, 0.25, 0.5, 1, 2.5, 5, 10, 25, or 30 Kg.

In any case, produce may only be sold pre-packaged or packaged upon sale.

The label to be affixed to packaging must bear the Protected Geographical Indication '*Castagna Cuneo*' in clear and indelible characters, easily distinguishable from any other wording and immediately followed by the wording 'Protected Geographical Indication'.

Specifically, the packaging must contain the words '*Castagna Cuneo*' or '*Castagna Cuneo*' — *Secca* in print of the same size, immediately followed by the wording 'Protected Geographical Indication'.

The name, company name and address of the packager and the original gross weight must also figure in the same visual field.

The wording 'Protected Geographical Indication' or the abbreviation 'PGI' may be repeated in another area of the container or label.

Together with the Protected Geographical Indication, indications and/or images referring to company names or logos of consortia or individual companies may be used provided they do not have promotional content and are not likely to mislead the consumer.

Description of the logo

The images comprising the logo are an outline of a chestnut slightly tilted to the right. The left side of the chestnut is outlined by the wording '*castagna*' using an exclusive calligraphy and the right side is made up of a hand-written mark imitating a swift, decisive brush stroke. The logo is completed by a chestnut leaf placed at the base of the nut with the wording '*Cuneo*' on the inside in white, again in exclusive calligraphy. At the bottom left-hand side is the wording PGI in 'Frutiger light' font.

Products prepared using PGI '*Castagna Cuneo*', even after further production or processing methods, may be released for consumption in packaging bearing a reference to this protected geographical indication without including the EU logo, provided that the protected designation product certified as such is the sole component of the product group concerned; users of the protected designation product are authorised by the holders of the intellectual property right concerned, grouped together in a syndicate and assigned a supervisory role by the Ministry for Agricultural and Forestry Policy. The syndicate will be responsible for registering them and keeping watch on correct use of the protected designation.

In the absence of a supervisory syndicate, these functions shall be carried out by the Ministry for Agricultural and Forestry Policy, as the national authority responsible for implementing Regulation (EC) No 510/2006.

4.9 National requirements: —

Summary of Community decisions on marketing authorizations in respect of medicinal products from 1 November 2006 to 30 November 2006

(Published pursuant to Article 13 or Article 38 of Regulation (EC) No 726/2004 of the European Parliament and of the Council [1])

(2006/C 321/06)

— Issuing of a marketing authorization (Article 13 of Regulation (EC)No 726/2004 of the European Parliament and of the Council): Accepted

Date of the decision	Name of the medicinal product	INN (International Non-Proprietary Name)	Holder of the marketing authorization	Number of the entry in the Community Register	Pharmaceutical form	ATC code (Anatomical Therapeutic Chemical Code)	Date of notification
20.11.2006	BYETTA	exenatide	Eli Lilly Nederland B.V. Grootslag 1-5 3991 RA Houten Nederland	EU/1/06/362/001-004	Solution for injection	A10BX04	22.11.2006
20.11.2006	Sprycel	dasatinib	Bristol-Myers Squibb Pharma EEIG Uxbridge Business Park Sanderson Road Uxbridge UD8 1DH United Kingdom	EU/1/06/363/001-009	Film-coated tablet	L01XX	22.11.2006

— Modification of a marketing authorization (Article 13 of Regulation (EC) No 726/2004 of the European Parliament and of the Council): Accepted

Date of the decision	Name of the medicinal product	Holder of the marketing authorization	Number of the entry in the Community Register	Date of notification
7.11.2006	Exubera	PFIZER Ltd Ramsgate Road Sandwich Kent CT 13 9NJ United Kingdom	EU/1/05/327/001-018	9.11.2006
7.11.2006	Humira	Abbott Laboratories Ltd. Queenborough Kent ME11 5EL United Kingdom	EU/1/03/256/001-010	9.11.2006
7.11.2006	Trudexa	Abbott Laboratories Ltd. Queenborough Kent ME11 5EL United Kingdom	EU/1/03/257/001-010	9.11.2006
14.11.2006	Humalog	Eli Lilly Nederland B.V. Grootslag 1-5 3991 RA Houten Nederland	EU/1/96/007/015-017 EU/1/96/007/026-028	16.11.2006
14.11.2006	Zevalin	Schering AG Müllerstrasse 170-178 D-13342 Berlin	EU/1/03/264/001	16.11.2006

[1] OJ L 136, 30.4.2004, p. 1.

Date of the decision	Name of the medicinal product	Holder of the marketing authorization	Number of the entry in the Community Register	Date of notification
20.11.2006	Crixivan	Merck Sharp & Dohme Ltd. Hertford Road Hoddesdon Hertfordshire EN11 9BU United-Kingdom	EU/1/96/024/001-005 EU/1/96/024/007-008 EU/1/96/024/010	22.11.2006
20.11.2006	Hycamtin	SmithKline Beecham plc 980 Great West Road Brentford Middlesex TW8 9GS United Kingdom	EU/1/96/027/001 EU/1/96/027/003-005	22.11.2006
20.11.2006	Yttriga	QSA Global GmbH Gieselweg 1 D-38110 Braunschweig	EU/1/05/322/001	22.11.2006
20.11.2006	Liprolog	Eli Lilly Nederland BV Grootslag 1-5 3991 RA Houten Nederland	EU/1/01/195/005-007 EU/1/01/195/013-015	22.11.2006
20.11.2006	Protopic	Astellas Pharma GmbH Neumarkter Str. 61 D-81673 München	EU/1/02/201/001-006	22.11.2006
20.11.2006	Protopy	Astellas Pharma GmbH Neumarkter Str. 61 D-81673 München	EU/1/02/202/001-006	22.11.2006
20.11.2006	Norvir	Abbott laboratories Ltd Queenborough Kent ME11 5EL United-Kingdom	EU/1/96/016/001 EU/1/96/016/003	22.11.2006
22.11.2006	TRIZIVIR	Glaxo Group Ltd Greenford Middlesex UB6 0NN United Kingdom	EU/1/00/156/002-003	24.11.2006
22.11.2006	Evista	Eli Lilly Nederland BV Grootslag 1-5 3991 RA Houten Nederland	EU/1/98/073/001-004	24.11.2006
22.11.2006	Optruma	Eli Lilly Nederland BV Grootslag 1-5 3991 RA Houten Nederland	EU/1/98/074/001-004	24.11.2006
22.11.2006	PEGASYS	Roche Registration Limited 6 Falcon Way Shire Park Welwyn Garden City, AL7 1TW United Kingdom	EU/1/02/221/01-010	24.11.2006
22.11.2006	Tarceva	Roche Registration Limited 6 Falcon Way Shire Park Welwyn Garden City AL7 1TW United Kingdom	EU/1/05/311/001-003	24.11.2006

Date of the decision	Name of the medicinal product	Holder of the marketing authorization	Number of the entry in the Community Register	Date of notification
22.11.2006	Invirase	Roche Registration Limited 6 Falcon Way Shire Park Welwyn Garden City AL7 1TW United Kingdom	EU/1/96/026/001-002	24.11.2006
22.11.2006	Hycamtin	SmithKline Beecham plc 980 Great West Road Brentford Middlesex TW8 9GS United Kingdom	EU/1/96/027/001 EU/1/96/027/003-005	24.11.2006
22.11.2006	Avandamet	SmithKline Beecham plc 980 Great West Road Brentford Middlesex TW8 9GS United Kingdom	EU/1/03/258/001-022	24.11.2006
22.11.2006	AVANDIA	SmithKline Beecham plc 980 Great West Road Brentford Middlesex TW8 9GS United Kingdom	EU/1/00/137/002-018	24.11.2006
24.11.2006	Ariclaim	Eli Lilly Nederland B.V. Grootslag 1-5 3991 RA Houten Nederland	EU/1/04/283/001-007	28.11.2006
24.11.2006	Avaglim	SmithKline Beecham plc 980 Great West Road Brentford Middlesex TW8 9GS United Kingdom	EU/1/06/349/001-008	28.11.2006
24.11.2006	Stocrin	Merck Sharp & Dohme Ltd Hertford Road Hoddesdon Hertfordshire EN11 9BU United Kingdom	EU/1/99/111/010-011	28.11.2006
24.11.2006	Pedea	Orphan Europe SARL Immeuble 'Le Guillaumet' F-92046 Paris-La-Défense	EU/1/04/284/001	28.11.2006
24.11.2006	Aptivus	Boehringer Ingelheim International GmbH Binger Strasse 173 D-55216 Ingelheim am Rhein	EU/1/05/315/001	28.11.2006
24.11.2006	Replagal	Shire Human Genetic Therapies AB Rinkebyvägen 11B S-182 36 Danderyd	EU/1/01/189/001-006	28.11.2006
24.11.2006	Levitra	Bayer AG D-51368 Leverkusen,	EU/1/03/248/001-012	28.11.2006
24.11.2006	Vivanza	Bayer AG D-51368 Leverkusen	EU/1/03/249/001-012	28.11.2006

Date of the decision	Name of the medicinal product	Holder of the marketing authorization	Number of the entry in the Community Register	Date of notification
24.11.2006	Xeristar	Boehringer Ingelheim International GmbH Binger Strasse 173 D-55216 Ingelheim am Rhein	EU/1/04/297/001-008	28.11.2006
24.11.2006	Cymbalta	Eli Lilly Nederland BV Grootslag 1-5 3991 RA Houten Nederland	EU/1/04/296/001-008	28.11.2006
28.11.2006	Ziagen	Glaxo Group Ltd, Greenford Middlesex UB6 0NN United Kingdom	EU/1/99/112/001-002	1.12.2006
28.11.2006	Glivec	Novartis Europharm Limited Wimblehurst Road Horsham West Sussex RH12 5AB United Kingdom	EU/1/01/198/001-013	1.12.2006
28.11.2006	Tysabri	Elan Pharma International Ltd. Monksland Athlone County Westmeath Ireland	EU/1/06/346/001	4.12.2006
28.11.2006	Ebixa	H. Lundbeck A/S, Ottiliavej 9 DK-2500 Valby	EU/1/02/219/001-015	1.12.2006
28.11.2006	Axura	Merz Pharmaceuticals GmbH Eckenheimer Landstr. 100-104 D-60318 Frankfurt/Main	EU/1/02/218/001-011	1.12.2006
28.11.2006	Kepivance	Amgen Europe B.V. Minervum 7061 4817 ZK Breda Nederland	EU/1/05/314/001	1.12.2006
28.11.2006	Nespo	Dompé Biotec S.p.A. Via San Martino 12 I-20122 Milano	EU/1/01/184/001-068	1.12.2006
28.11.2006	Kivexa	Glaxo Group Ltd Berkeley Avenue Greenford Middlesex UB6 0NN United Kingdom	EU/1/04/298/001-002	1.12.2006
28.11.2006	YENTREVE	Eli Lilly Nederland B.V. Grootslag 1-5 3991 RA Houten Nederland	EU/1/04/280/001-008	1.12.2006
28.11.2006	Abilify	Otsuka Pharmaceutical Europe Ltd Hunton House Highbridge Business Park Oxford Road Uxbridge Middlesex UB8 1HU United Kingdom	EU/1/04/276/001-036	1.12.2006

Date of the decision	Name of the medicinal product	Holder of the marketing authorization	Number of the entry in the Community Register	Date of notification
29.11.2006	Enbrel	Wyeth Europa Limited Huntercombe Lane South Taplow Maidenhead, Berkshire, SL6 0PH United Kingdom	EU/1/99/126/001-018	1.12.2006
29.11.2006	Aldara	Laboratoires 3M Santé Boulevard de l'Oise F-95029 Cergy Pontoise Cedex	EU/1/98/080/001	1.12.2006
29.11.2006	Foscan	Biolitec pharma Ltd United Drug House Magna Drive Dublin 24 Ireland	EU/1/01/197/001-002	1.12.2006
29.11.2006	Emselex	Novartis Europharm Limited Wimblehurst Road Horsham West Sussex RH12 5AB United Kingdom	EU/1/04/294/001-028	1.12.2006
29.11.2006	Aranesp	Amgen Europe B.V. Minervum 7061 4817 ZK Breda Nederland	EU/1/01/185/001-068	1.12.2006

— **Withdrawal of a marketing authorization (Article 13 of Regulation (EC) No 726/2004 of the European Parliament and of the Council)**

Date of the decision	Name of the medicinal product	Holder of the marketing authorization	Number of the entry in the Community Register	Date of notification
14.11.2006	Monotard	Novo Nordisk A/S Novo Allé DK-2880 Bagsværd	EU/1/02/235/001-004	16.11.2006
14.11.2006	Ultratard	Novo Nordisk A/S Novo Allé DK-2880 Bagsværd	EU/1/02/236/001-004	16.11.2006

— **Issuing of a marketing authorization (Article 38 of Regulation (EC) No 726/2004 of the European Parliament and of the Council): Accepted**

Date of the decision	Name of the medicinal product	INN (International Non-Proprietary Name)	Holder of the marketing authorization	Number of the entry in the Community Register	Pharmaceutical form	ATC code (Anatomical Therapeutic Chemical Code)	Date of notification
14.11.2006	Yarvitan	Mitratapide	Janssen Animal Health B.V.B.A. Turnhoutseweg, 30 B-2340 Beerse	EU/2/06/063/001-003	Oral solution	QA08AB90	16.11.2006

— **Modification of a marketing authorization (Article 38 of Regulation (EC) No 726/2004 of the European Parliament and of the Council): Accepted**

Date of the decision	Name of the medicinal product	Holder of the marketing authorization	Number of the entry in the Community Register	Date of notification
20.11.2006	Virbagen Omega	VIRBAC S.A. 1ere Avenue 2065 m L.I.D. F-06516 Carros	EU/2/01/030/001-004	22.11.2006

Anyone wishing to consult the public assessment report on the medicinal products in question and the decisions relating thereto is invited to contact:

The European Medicines Agency
7, Westferry Circus, Canary Wharf
London E14 4HB
United Kingdom

Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(2006/C 321/07)

This publication confers the right to object to the application pursuant to Article 7 of Council Regulation (EC) No 510/2006. Statements of objection must reach the Commission within six months from the date of this publication.

SUMMARY

COUNCIL REGULATION (EC) No 510/2006

Application for registration according to Article 5 and Article 17(2)

'ASPARAGO BIANCO DI BASSANO'

EC No: IT/PDO/005/0338/17.03.2004

PDO (X) PGI ( )

This summary has been drawn up for information only. For full details, interested parties are invited to consult the full version of the product specification obtainable from the national authorities indicated in section 1 or from the European Commission ([1]).

1. *Responsible department in the Member State:*

Name:	Ministero delle politiche agricole e forestali
Address:	Via XX Settembre n. 20 I-00187 Roma
Tel.:	(39-06) 481 99 68
Fax:	(39-06) 42 01 31 26
e-mail:	qtc3@politicheagricole.it

2. *Group:*

Name:	Associazione per la tutela e la valorizzazione dell'Asparago Bianco di Bassano
Address:	Via G. Matteotti, 39 I-36061 Bassano del Grappa (VI)
Tel.:	(39-0424) 52 13 45
Fax:	—
e-mail:	—
Composition:	Producers/processors (X) Other ( )

3. *Type of product:*

Class 1.6 — Fruit, vegetables, cereals, whether or not processed, listed in Annex I — Asparagus

4. *Specification (summary of requirements under Article 4(2))*

4.1 Name: 'Asparago Bianco di Bassano'

4.2 Description:

The PDO 'Asparago Bianco di Bassano' is reserved for shoots of asparagus (*Asparagus officinalis L.*) produced, in the geographical area defined at 4.3, from the local ecotype 'Comune — o Chiaro — di Bassano'.

([1]) European Commission, Directorate-General for Agriculture and Rural Development, Agricultural product quality policy, B-1049 Brussels.

In order to qualify for the PDO 'Asparago Bianco di Bassano', the shoots must be:

— white. The bracts and the base may be slightly pink and rusty, provided this does not extend to the tip (the first three centimetres), can be removed through normal peeling by the consumer and does not account for more than 10 % of the product in the bundle;

— well formed: straight, intact, with a compact tip, the shoots must not be hollow, split, peeled or broken. The fact that they are not very fibrous means that, at the packing stage, the sides tend to split, so much so that slight cracks are allowed, provided they occur after harvesting and do not affect more than 15 % of the product in the bundle; the shoots may be slightly curved;

— soft; shoots showing incipient signs of woodiness are not allowed;

— fresh appearance and smell, free from foreign smell or taste,

— healthy, i.e. show no signs of rodent or insect damage;

— clean, without soil or any impurities;

— free of surface moisture and be sufficiently dry after being washed and chilled in cold water. They must be free from chemical additives.

The cut at the base must be as clean as possible and at right angles to the stem.

Sizing depends on the length and diameter. The central diameter of the shoots is measured at the mid-point cross-section. The minimum central diameter is 11 mm, including the tolerance. The packing must ensure that the average diameter of the shoots in each bundle differs by no more than 10 mm. The bundles are classified according to the central diameter of the shoots they contain. The length of the shoots must conform closely to the classification and be in accordance with the following table:

	Central diameter	Length
Maximum range	> 11 mm	between 18 and 22 cm
For a diameter of:	> 11 to 14 mm	20 cm
For a diameter of:	15 mm or more	22 cm

4.3 Geographical area: Geographical area: The 'Asparago Bianco di Bassano' production and packing area comprises a number of Vicenza province municipalities near the city of Bassano del Grappa, as listed in the specification.

4.4 Proof of origin: Every phase of the production process will be monitored, showing for each one, the incoming and outgoing products. Thus, and thanks to entries in special registers — kept by the inspection body — of the land under cultivation, of the growers and of the packers, it will be possible to guarantee the traceability of the product upstream and downstream of the operation concerned. All natural and legal persons whose names appear in the registers will be subject to control by the inspection body in accordance with the specification and the control plan. The following in particular will be verified: whether the land on which the product is grown has been entered, in respect of every production year, in the list kept at the headquarters of the inspection body; the land registry details concerned and, for each parcel, the name of the owner, the grower, the locality, the actual surface area under 'Asparago Bianco di Bassano'; and the serial number shown on the label attached to each bundle.

4.5 Method of production: As laid down in the specification the land must have a pH between 5.5 and 7.5. A soil analysis must be carried out prior to each new planting and, for the main parameters (pH, nitrogen, phosphorus, potassium, calcium, magnesium and organic matter), at least every five years. In the case of a new planting a soil analysis carried out in the previous three-year period may be used. The land is prepared in the autumn preceding planting: light tillage, to a depth of 30 cm or less, possibly followed by subsoiling at a depth of 40-50 cm. In the case of new plantings the distance between rows may not be less than 1.8 metres for twin rows and less than 2 metres for single rows; the maximum density may in no case exceed 1.8 plants /m2.

The furrows must be 15-20 cm deep. The transplanting of asparagus root tubers must take place in March or April, plantlets in June. A four-year wait must be observed before replanting asparagus on the same land.

If the presence of plant diseases affecting roots (Rhizoctonia or Fusarium) has been confirmed, replanting may not take place for eight years. Asparagus cultivation may not be preceded by that of potatoes, lucerne, carrots, clover or beet, owing to the risk of Rhizoctonia attack. It is, however, recommended that asparagus-growing be preceded by the cultivation of cereals, viz. barley, wheat or maize.

Propagation for self-supply purposes may be carried out by the growers themselves. Only local ecotypes may be used, which must comply with Article 2 of the specification.

Before a new crop is planted, a full soil analysis must be carried out, to be repeated every five years, for the following main parameters: pH, N, P. K, Ca, Mg and organic matter. Analyses carried out in the previous three-year period may be used.

A quantity of bovine slurry — 600 quintals per hectare — is spread on the soil during the preparation phase and dug in when it has matured. Other organic fertilisers may be used, subject to the same reference values being complied with as for bovine slurry.

At least 50 % of the nitrogen used must be organic. The spreading of the phosphate-based, and part of the potassium-based, fertilisers takes place during the autumn or at the end of the winter, whereas the nitrogen-based, and the rest of the potassium-based fertilisers are spread, in several applications, after the harvest (by the end of July at the latest). The quantity of principal nutrients added each year may not, however, exceed the following number of units per hectare: nitrogen 150; phosphorous 80; potassium 180. The addition, if any, of micro-elements takes place in the autumn or winter.

Mulching is allowed during the harvest period, in which case a dark plastic film suitable for inhibiting the spread of weeds and protecting against sunlight, or any other material which can guarantee the final characteristics of the product, is to be used.

After being allowed to dry out, the material above ground must be scythed, removed and burned and, after the harvest, the mounds must be flattened to prevent undue rising of the roots.

Harvesting must take place between 1 March and 15 June.

In the case of forced or protected (under plastic) cultivation, harvesting may, subject to the prior approval of the control body, take place before then, but not before 1 February.

The maximum full production allowed is 80 quintals/ha.

Preparation and packing must, with a view to ensuring the typical characteristics, the traceability and control of the product, take place within the production area defined in Article 3 of the specification.

4.6 Link: Soils in the 'Asparago Bianco di Bassano' production area have a light or light-sandy texture, a subsoil rich in gravel, good permeability and contain a fair amount of organic matter. The pH tends to be around 5.5 -7.5 (subacidic-neutral soil).

The area concerned is of alluvial origin, being located in the Valsugana, through which the Brenta river flows. It owes its characteristics to the physical and chemical composition of the detrital, gravelly, sandy and loamy material ferried by the waters and deposited in the flood plain.

The climate in the production area is heavily influenced by the Brenta river and the shelter afforded upstream by the Venetian Prealps and the Grappa range.

The average annual rainfall is around 1 000 mm, with peaks occurring in April-May and September-October.

The average temperature ranges from 2.5° to 23°, with the lows and highs tending to occur in January and July respectively. A major meteorological factor are the winds that travel south from the Upper Valsugana, creating in the production area a microclimate characterised by low residual humidity, a lower incidence of fog, and fairly stable soil temperatures.

The above combination of characteristics enable the plant to acquire a complex, broad and deep root structure made up of large rhizomes and thick roots. This promotes a very high absorption rate of nutrients and the production of sugars. In turn this leads to the swift growth of well-sized shoots, entirely edible or only slightly fibrous.

In the Republic of Venice the asparagus was a highly prized food, as confirmed by the records kept of banquets held in honour of the nobility as far back as the early 16th century. By the 17th century it was widely grown in the Orti of Terraferma. Travelling through Bassano on their way to the Council of Trento (1545-63) church dignitaries had occasion to taste the local product, and in a number of cases wrote in praise of its nutritional qualities. There are numerous accounts of the qualitative and much sought-after characteristics of 'Asparago Bianco di Bassano'.

4.7 Inspection body:

Name: CSQA S.r.l.

Address: Via S. Gaetano 74, Thiene (VI)

Tel.: (39-0445) 36 60 94

Fax: (39-0445) 38 26 72

e-mail: csqa@csqa.it

The inspection body fulfils the conditions applicable under standard EN 45011.

4.8 Labelling: Every pack must contain bundles of the same size; each bundle must be homogeneous. The shoots must be sold packaged in tightly-bound bundles weighing between 0,5 and 4 kg.

Shoots at the outer part of the bundle must correspond in appearance and size to the average of the bundle and the shoots must be of uniform length.

By tradition, after the asparagus shoots have been cut to the same size at the base, the bundles must be tightly bound using a 'stroppa' (a young willow branch or aftershoot). Each bundle must bear a label affixed to the 'stroppa' showing the PDO mark 'Asparago Bianco di Bassano' and the bundle identification number to ensure traceability.

The bundles must be arranged uniformly in the packaging and may be placed in containers made of wood, plastic or other suitable materials.

The following information must appear, direct or on a label, on the outside of each pack: 'Asparago Bianco di Bassano' PDO; the name of the grower, the company name and the address of the packer, the date on which packing took place, and the following commercial details: the quality class (EU standard), the size, the number of bundles and their average weight.

The label bears the logo, the PDO and the serial number identifying, for traceability purposes, the product and the producer.

The label, which constitutes a guarantee of the PDO of the product, is attached, on the 'stroppa', on the upper half of the bundle, by means of a device which cannot be used more than once.

4.9 National requirements: —

Publication of an amendment application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(2006/C 321/08)

This publication confers the right to object to the amendment application pursuant to Article 7 of Council Regulation (EC) No 510/2006. Statements of objections must reach the Commission within six months from the date of this publication.

AMENDMENT APPLICATION

COUNCIL REGULATION (EC) No 510/2006

Amendment application according to Article 9 and Article 17(2)

'ASIAGO'

EC No: IT/PDO/117/0001

PDO (X) PGI ( )

Amendment(s) requested

Heading(s) in the specification:

☐ Name of product

☒ Description of product

☒ Geographical area

☐ Proof of origin

☒ Method of production

☐ Link

☒ Labelling

☐ National requirements

Amendment(s):

Description

The specific, chemical (moisture, protein, fat, fat in dry matter) and microbiological (pathogens, *S. aureus, E. coli,* coliforms 30°) characteristics of the two types of Asiago cheese, pressed and ripened, are described in detail.

It is clarified that, after the minimum maturation period, the surface of the cheeses may be treated with substances permitted in accordance with national rules, except for cheeses additionally marked as '*Prodotto della montagna*' (mountain product).

Geographical area

The following definition of 'mountain area' is added: an area at or above 600 metres.

Method of production

Details are given of prohibited fodder and feed. On cheeses additionally marked as mountain product it is specified that silage of any type is prohibited.

For both pressed and ripened 'Asiago', information is provided on the maximum storage period, and composition of the milk used for producing the cheese.

For both 'Asiago' types, physical and time parameters are given regarding the production methods used. For ripened 'Asiago', Lysozyme (E 1105) may be added to the processed milk, except for cheeses additionally marked as mountain product.

Detailed technical information (temperature and humidity) regarding the conditions in which the processing takes place is provided also for cheese maturation and storage. The minimum maturation period for ripened 'Asiago' is indicated (60 days or 90 days for cheeses additionally marked as mountain product).

For cheeses to be better identified, numbered casein plates are now used. A letter of the alphabet representing the month of production is stamped on the heel.

Whole PDO 'Asiago' cheeses may be cut into servings and pre-packaged in pieces allowing the heel to be seen. If the cutting operations entail scraping and/or removal of the rind, the cheese must be packaged in the production area so as not to bring into question the authenticity of the product.

Labelling

The following detailed information is added: any other definitions used for fresh or mature 'Asiago' as well as the different maturation periods of ripened 'Asiago' (*mezzano, vecchio, stravecchio* — semi-mature, mature, extra-mature), the possibility of indicating on the label that no Lysozyme (E 1105) has been used, and the requirements applicable to cheese marked 'mountain product', such indication being reserved for cheeses produced using mountain milk in mountain dairy factories.

UPDATED SUMMARY

COUNCIL REGULATION (EC) No 510/2006

'ASIAGO'

EC No: IT/PDO/117/0001

PDO (X) PGI ( )

This summary has been drawn up for information only. For full details, interested parties are invited to consult the full version of the product specification obtainable from the national authorities indicated in section 1 or from the European Commission ([1]).

1. *Responsible department in the Member State:*

Name:	Ministero politiche agricole e forestali
Address:	Via XX Settembre, 20 I-00187 Roma
Tel.:	(39-06) 481 99 68
Fax:	(39-06) 42 01 31 26
E-mail:	QTC3@politicheagricole.it

2. *Applicant group:*

Name:	Consorzio Tutela formaggio Asiago
Address:	Corso Fogazzaro, 18 I-36100 Vicenza
Tel.:	(39-0444) 32 17 58
Fax:	(39-0444) 32 62 12
E-mail:	asiago@asiagocheese.it
Composition:	Producers/processors (X) Other ( )

([1]) European Commission, Directorate-General for Agriculture and Rural Development, Agricultural Product Quality Policy, B-1049 Brussels.

3. *Type of product:*

Class 1.3 — CHEESE

4. *Specification (summary of requirements under Article 4(2))*

4.1 Name: 'Asiago'

4.2 Description: The protected designation of origin 'Asiago' may be awarded only to semi-cooked cheese, produced only with cow's milk, in compliance with the specification, and existing in two versions: pressed 'Asiago' and ripened 'Asiago'.

4.2.1. ***Technical characteristics of pressed 'Asiago' cheese matured for 20 days***

(a) visual organoleptic characteristics: White or slightly yellowish colour; marked, irregular eyes; pleasant and delicate flavour; thin rind with a springy texture;

(b) chemical characteristics:

		Specific tolerance
humidity	39,5 %	+/- 4,5
protein	24,0 %	+/- 3,5
fat	30,0 %	+/- 4,0
sodium chloride	1,7 %	+/- 1,0
fat/dry extract	44 % or more	None

c) physical characteristics:

heel	straight or slightly convex
ftop and bottom	flat or almost flat
weight	11 to 15 kg
height	11 to 15 cm
diameter	30 to 40 cm

d) microbiological and hygienic characteristics:

pathogens	absent
S. aureus	(*)M < 1 000 per g
E. coli	(*)M < 1 000 per g
coliform 30 °C	(*)M < 100 000 per g

(*) These data are for cheese produced with heat-treated milk.

4.2.2. ***Technical characteristics of pressed 'Asiago' matured for 60 days***

(a) visual organoleptic characteristics: white or slightly yellowish colour; small to medium eyes; Sweet flavour (semi-mature) and fragrant flavour (mature); smooth and regular rind;

(b) chemical characteristics:

		Specific tolerance
humidity	34,50 %	+/- 4,00
protein	28,00 %	+/- 4,00
fat	31,00 %	+/- 4,50
sodium chloride	2,40 %	+/- 1,00
fat/dry extract	34 % or more	None

(c) physical characteristics:

heel	straight or almost straight
top and bottom	flat or almost flat
weight	8 to 12 kg
height	9 to 12 cm
diameter	30 to 36 cm

(d) microbiological and hygienic characteristics:

pathogens	none
S. aureus	M < 10 000 per g
E. coli	M < 100 000 per g

The surface of 'Asiago' cheeses may be treated, after the minimum maturation period, with substances permitted by current legislation. The surface of the cheeses (rind) is not edible.

The surface treatment of the cheeses must not reduce the legibility of the casein plate identifying the cheese and the designation logo. The surface of 'Asiago' cheeses additionally marked as mountain product may not be treated with colouring or antimould agents.

Whole PDO 'Asiago' cheeses may be cut and pre-packaged in pieces allowing the heel to be seen.

4.3 Geographical area: PDO 'Asiago' is produced with milk obtained from cows kept within the area and in dairies in that same area, corresponding to the administrative territories of the provinces of Vicenza, Trento, Padua and Treviso, as referred to in the product specifications. The abovementioned production areas, lying at or above 600 metres, are identified as mountain areas.

4.4 Proof of origin: Each processing phase is monitored. The inspection body is responsible for managing the list of milk producers, collectors, processors, ripeners and packagers of rindless cheese. These are subject to the checks and controls provided for in the product specifications and the relevant control plan as a way of ensuring product traceability.. If the processing and/or the product are found not to comply, the product may not be marketed as 'Asiago'.

4.5 Method of production: According to the product specifications, cows whose milk is intended for the production of PDO 'Asiago' must not be given with feed or fodder prohibited by the product specifications. If the milk is used to produce PDO 'Asiago' marked as mountain product, silage of any type is also banned.

TIn the case pressed of 'Asiago', the milk used must comply with current health legislation, be obtained from one or two milkings and must be raw or pasteurised at 72°C for 15 seconds in accordance with current legislation. For the production of ripened 'Asiago', the milk used must comply with current health legislation, be obtained from two milkings partially skimmed at the surface or two milkings of which only one is partially skimmed at the surface or else only one milking partially skimmed at the surface, and must be raw or thermised at 57/68°C for 15 seconds. For the production of PDO 'Asiago' marked as mountain product, only milk deriving from two to four milkings, processed within 18 hours of collection if deriving from two milkings, and within 24 hours of collection if deriving from four milkings is allowed.

For the production of ripened 'Asiago', Lysozyme (E 1105) may be added to the milk within the limits of the law. The use of Lysozyme is banned for the production of 'Asiago' marked as mountain product.

Pressed 'Asiago' must mature for at least 20 days after the date of production; for ripened 'Asiago', the minimum maturation period is 60 days starting from the last day of the month of production; for 'Asiago' marked as mountain product, it is 90 days starting from the last day of the month of production in the case of ripened cheese and 30 days from the date of production in the case of pressed cheese.

The cheese must mature in the production area.

The mountain product version must mature in dairies located in mountain areas, in rooms where temperature and humidity may be determined by natural environmental conditions. If the cutting operations entail the scraping and/or the removal of the rind, which would make the original marking invisible (cubes, slices, etc.), the packaging must be done in the production area to ensure tracing of the product. Only 'Asiago' made from milk produced in cow houses in mountain areas, processed in cheese-factories located in mountain areas and matured in mountain areas may have 'mountain product' marked on the label.

4.6 Link: With regard to natural factors, the soil and climatic and conditions of the area are substantially uniform and have an impact on the fodder intended for feeding dairy cows. As to human aspects, the cheese originated historically on the Asiago Plateau and, following the migration of the local population during the First World War, its production spread to the adjoining foothills.

4.7 Inspection body:

Name: CSQA S.r.l. Certificazioni

Address: Via S. Gaetano, 74
I-36016 Thiene (VI)

Tel.: (39-0445) 36 60 94

Fax: (39-0445) 38 26 72

E-mail: csqa@csqa.it

4.8 Labelling: PDO 'Asiago' cheeses are identified by means of numbered casein plates and stamped with special bands owned by the protection body (*Consorzio di Tutela*) which may be used by all those entitled. The stamping bands contain the designation logo which is an integral part of the product specifications, the producer's alphanumerical identification, the 'Asiago' designation repeated several times. The size of the latter is 25 mm for pressed cheese and 20 mm for the ripened version.

In addition, a letter of the alphabet is stamped on the heel of ripened 'Asiago' cheeses indicating the month of production, in accordance to the product specifications. For 'Asiago' cheeses marked as mountain product, the wording '*Prodotto della montagna*' is stamped once in the stamping bands. At the end of the minimum maturation period, 'Asiago' cheeses marked as mountain product are further branded on the heel with tools owned by the supervisory body, which may be used by the entitled cheese-dairies. The branded device contains the logo described in the product specifications.

Pressed 'Asiago' may also be labelled as 'fresco' (fresh cheese).

Ripened 'Asiago' may also be labelled as 'stagionato' (mature).

Ripened 'Asiago' matured for 4 to 6 months may be labelled as 'mezzano' (semi-mature).

Ripened 'Asiago' matured for over 10 months may also be labelled as 'vecchio' (mature).

Ripened 'Asiago' matured for over 15 months may also be labelled as 'stravecchio' (extra-mature).

The label may also indicate whether Lysozyme (E 1105) has been used or not.

Any company information on labels, stamps, silkscreen prints must not reduce the legibility of the marking of the PDO 'Asiago' (stamped by means of special wooden bands) and of the casein plates identifying 'Asiago' cheeses.

4.9 National requirements: —

Communication from the French Government concerning Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons [1]

(Notice regarding an application for an exclusive licence to prospect for oil and gas, designated 'Permis de Juan de Nova Maritime Profond')

(Text with EEA relevance)

(2006/C 321/09)

On 6 April 2006, Marex Petroleum Corporation (dba Marex, Inc.), with registered offices at 11711 Memorial Drive, Suite 258, Texas 77024 Houston (United States), and Roc Oil Company Limited, with registered offices at 1 Market Street, Level 14, Sydney 2000 NSW (Australia), applied for an exclusive five-year licence, designated the 'Permis de Juan de Nova Maritime Profond', to prospect for oil and gas in an area of approximately 62 000 km^2 of the seabed of the exclusive economic zone of the French island of Juan de Nova.

The perimeter of the area covered by this licence is delineated by:

— to the east of the island, the line separating France's and Madagascar's economic zones, to be established;

— to the west of the island, the line separating France's and Mozambique's economic zones, to be established.

Submission of applications and criteria for awarding rights

The initial applicant and competing applicants must prove that they comply with the requirements for obtaining the licence, as specified in Articles 3, 4 and 5 of Decree No 95-427 of 19 April 1995, as amended, concerning mining rights, (*Journal officiel de la République française* of 22 April 1995), kept in force by Article 63 of Decree No 2006-648 on mining rights and underground storage rights.

Interested companies may, within a period of ninety days of the publication of this notice, submit a competing application in accordance with the procedure summarised in the 'Notice regarding the granting of mining rights for hydrocarbons in France' published in *Official Journal of the European Communities* C 374 of 30 December 1994, p. 11, and established by the amended Decree No 95-427 of 19 April 1995. Competing applications must be sent to the Minister responsible for mines at the address below.

Decisions on the initial application and competing applications are made on the basis of the criteria for awarding mining rights as defined in Article 5 of the abovementioned Decree and will be taken within two years of the date on which the French authorities received the initial application, i.e. by 10 April 2008 at the latest.

Conditions and requirements regarding performance of the activity and cessation thereof

Applicants are referred to Articles 79 and 79(1) of the Mining Code and to Decree No 2006-649 of 2 June 2006 on mining operations, underground storage and the regulations governing them (*Journal officiel de la République française*, 3 June 2006).

Further information can be obtained from the Ministry of Economic Affairs, Finance and Industry (Directorate-General for Energy and Raw Materials, Directorate for Energy and Mineral Resources, Bureau of Mining Legislation), 61, boulevard Vincent Auriol, Télédoc 133, F-75703 Paris Cedex 13, France [telephone: (33) 144 97 23 02, fax: (33) 144 97 05 70].

The abovementioned laws and regulations can be consulted at

http://www.legifrance.gouv.fr

[1] OJ L 164, 30.6.1994.

Prior notification of a concentration

(Case COMP/M.4441 — EN+/Glencore/Sual/UC Rusal)

(Text with EEA relevance)

(2006/C 321/10)

1. On 19 December 2006 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 UC Rusal Limited, a newly created subsidiary of EN+ Group Limited ('EN+', Jersey) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of certain assets and interests of Sual Partner Ltd ('Sual assets') and Glencore International ('Glencore assets') by way of contribution of shares and assets.

2. The business activities of the undertakings concerned are:

— EN+: energy, machinery, financial services, construction and development sectors, bauxite mining, production and sale of aluminium and aluminium-related products;

— Sual assets: bauxite mining, production and sale of aluminium and aluminium-related products;

— Glencore assets: bauxite mining, production and sale of aluminium and aluminium-related products.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. 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 (fax No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.4441 — EN+/Glencore/Sual/UC Rusal, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Bruxelles/Brussel

[1] OJ L 24, 29.1.2004, p. 1.

Information procedure — Technical rules

(Text with EEA relevance)

(2006/C 321/11)

Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services. (OJ L 204, 21.7.1998, p. 37; OJ L 217, 5.8.1998, p. 18).

Notifications of draft national technical rules received by the Commission

Reference [1]	Title	End of three-month standstill period [2]
2006/0620/F	Technical notes Pro Pharmacopoeia submitted to public inquiry	26.2.2007
2006/0621/SI	Rules on the conditions to be fulfilled by gluten-free and very low gluten foodstuffs	28.2.2007
2006/0622/F	Decree on the safety of certain items of stuffed furniture	28.2.2007
2006/0623/EE	Packaging Act and Packaging Excise Duty Act Amendment Act	1.3.2007
2006/0624/PL	Order of the Minister of Economy amending the Order on occupational safety and health, organisation of traffic and special fire protection in mines extracting minerals using boreholes	1.3.2007
2006/0625/PL	Order of the Minister of Economy amending the Order on occupational safety and health, organisation of traffic and special fire protection in strip mines extracting basic minerals	1.3.2007
2006/0626/F	Draft Order on the accessibility to disabled persons of collective residential buildings undergoing refurbishment and existing buildings in which housing is created by their being put to a different use	2.3.2007
2006/0627/F	Draft Order on the accessibility to disabled persons of existing establishments open to the public and existing installations open to the public	2.3.2007
2006/0628/D	Additional Technical Terms of Contract — Hydraulic Engineering [German designation: ZTV-W] for stabilising banks and foundations (Performance category 210), 2006 edition	2.3.2007
2006/0629/CZ	Decree dated … 2006 establishing details for marking and staining of selected mineral oils and details for marking certain other mineral oils	2.3.2007
2006/0630/UK	The Smoke-Free (Signs) Regulations (Northern Ireland) 2007	2.3.2007
2006/0631/SI	Act on the coexistence of genetically modified plants with other agricultural plants	5.3.2007
2006/0632/D	Fourth Act amending the Motor Vehicle Tax Act	[4]
2006/0633/B	Draft text No LISA 14c 2006-11 on the revision of the Cooperation Agreement of 30 May 1996 on the prevention and management of packaging waste, particularly with regard to the measures transposing into national law Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste	[4]

Reference (1)	Title	End of three-month standstill period (2)
2006/0634/S	Swedish Road Administration's administrative provisions amending the administrative provisions (VVFS 2004:43) on the application of European calculation standards	7.3.2007
2006/0635/NL	Regulation of the Secretary of State for Social Affairs and Employment amending the Ministry of Social Affairs and Employment's Subsidy Regulation on financial support for work equipment	(4)
2006/0636/NL	Regulation implementing the energy investment allowance, with Energy List, 2007	(4)
2006/0637/CZ	Draft Decree amending Decree No. 141/1997 Coll. on Technical Requirements for the Production, Storage and Processing of Ethyl Alcohol, as amended	8.3.2007
2006/0638/F	Order on the technical characteristics of the national alarm signal	8.3.2007
2006/0639/CZ	Draft Law amending Act No 86/2002 Coll. on Air Protection	8.3.2007

(1) Year — registration number — Member State of origin.
(2) Period during which the draft may not be adopted.
(3) No standstill period since the Commission accepts the grounds of urgent adoption invoked by the notifying Member State.
(4) No standstill period since the measure concerns technical specifications or other requirements or rules on services linked to fiscal or financial measures, pursuant to the third indent of the second paragraph of Article 1(11) of Directive 98/34/EC.
(5) Information procedure closed.

The Commission draws attention to the judgement delivered on 30 April 1996 in the 'CIA Security' case (C-194/94 — ECR I, p. 2201), in which the Court of Justice ruled that Articles 8 and 9 of Directive 98/34/EC (formerly 83/189/EEC) are to be interpreted as meaning that individuals may rely on them before national courts which must decline to apply a national technical regulation which has not been notified in accordance with the Directive.

This judgement confirms the Commission's communication of 1 October 1986 (OJ C 245, 1.10.1986, p. 4).

Accordingly, breach of the obligation to notify renders the technical regulations concerned inapplicable, and consequently unenforceable against individuals.

For more information on the notification procedure, please write to:

European Commission
DG Enterprise and Industry, Unit C3

B-1049 Brussels

e-mail: dir83-189-central@ec.europa.eu

Also consult the website: http://ec.europa.eu/enterprise/tris/

If you require any further information on these notifications, please contact the national departments listed below:

LIST OF NATIONAL DEPARTMENTS RESPONSIBLE FOR THE MANAGEMENT OF DIRECTIVE 98/34/EC

BELGIUM

BELNotif
Qualité et Sécurité
SPF Economie, PME, Classes moyennes et Energie
NG III — 4ème étage
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General Secretariat of Industry
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S.G. de Asuntos Industriales, Energéticos, de Transportes y Comunicaciones y de Medio Ambiente
D.G. de Coordinación del Mercado Interior y otras PPCC
Secretaría de Estado para la Unión Europea
Ministerio de Asuntos Exteriores y de Cooperación
Torres 'Ágora'
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Délégation interministérielle aux normes
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Sous-direction de la normalisation, de la qualité et de la propriété industrielle (SQUALPI)
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Ministero dello sviluppo economico
Direzione Generale per lo sviluppo produttivo e la competitività
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Ministry of Commerce, Industry and Tourism
13-15, A. Araouzou street
CY-1421 Nicosia

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Commission communication pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92

Amendment of public service obligations imposed on certain scheduled air services in Spain

(Text with EEA relevance)

(2006/C 321/12)

Pursuant to Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23 July 1992, the Spanish Government has decided to amend the public service obligations imposed on scheduled air services in the Canary Islands published in OJ C 255 of 21 October 2006.

The maximum single fare for each of the routes will be as follows:

(a) Gran Canaria — Tenerife North: 53 euros

(b) Gran Canaria — Tenerife South: 53 euros

(c) Gran Canaria — Fuerteventura: 61 euros

(d) Gran Canaria — El Hierro: 89 euros

(e) Gran Canaria — Lanzarote: 68 euros

(f) Gran Canaria — La Palma: 83 euros

(g) Tenerife North — Fuerteventura: 84 euros

(h) Tenerife North — El Hierro: 61 euros

(i) Tenerife North — Lanzarote: 89 euros

(j) Tenerife North — La Palma: 56 euros

(k) La Palma — Lanzarote: 89 euros

(l) Gran Canaria — La Gomera: 83 euros

(m) Tenerife North — La Gomera: 61 euros

The other requirements of the public service obligation published in OJ C 255 of 21 October 2006 remain unchanged.

Prior notification of a concentration

(Case COMP/M.4484 — Danske Bank/Sampo Bank)

(Text with EEA relevance)

(2006/C 321/13)

1. On 15 December 2006, 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 Danske Bank A/S ('Danske Bank', Denmark) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Sampo Bank plc ('Sampo Bank', Finland) by way of a purchase of shares.

2. The business activities of the undertakings concerned are:

— for Danske Bank: financial services, including insurance, mortgage finance, asset management, brokerage, real estate and leasing services;

— for Sampo Bank: banking and investment services to retail, corporate and institutional customers.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. 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 (fax No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.4484 — Danske Bank/Sampo Bank to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Bruxelles/Brussel

[1] OJ L 24, 29.1.2004, p. 1.

EUROPEAN DATA PROTECTION SUPERVISOR

Opinion of the European Data Protection Supervisor on the Proposal for a Regulation of the European Parliament and the Council amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications (COM (2006) 269 final) — 2006/0088 (COD)

(2006/C 321/14)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty establishing the European Community, and in particular its Article 286,

Having regard to the Charter of Fundamental Rights of the European Union, and in particular its Article 8,

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, and in particular its Article 41,

Having regard to the request for an opinion in accordance with Article 28 (2) of Regulation (EC) No 45/2001 received on 19 June 2006 from the Commission;

HAS ADOPTED THE FOLLOWING OPINION:

1. **INTRODUCTION**

The proposed Regulation has two main objectives, both in view of the implementation of the Visa Information System:

— to provide a legal basis for Member States to take mandatory biometrics identifiers from visa applicants;

— to provide a legal framework for the organisation of Member States consular offices, especially by organising possible cooperation between the Member States for the processing of visa applications.

These two objectives raise different questions in terms of data protection and will be dealt with in distinct paragraphs, even though they form part of the same proposal.

The present proposal aims at amending the Common Consular Instructions (CCI). These were adopted by the Executive Committee established by the Convention applying the Schengen Agreement of 14 June 1985. As a part of the Schengen Acquis, they were inserted into EU law by a Protocol annexed to the Treaty of Amsterdam, and have been amended on several occasions since. Although a number of amendments remain confidential, the CCI were published in 2000. As to content, they are essentially a handbook containing practical rules on how to issue short-stay visas. They contain provisions on the examination of applications, the decision-making procedure, on how to fill in visa-stickers, etc.

2. COLLECTION OF BIOMETRIC IDENTIFIERS

2.1. Preliminary remark: specificity of biometric data

According to the VIS proposal ([1]) presented by the Commission on 28 December 2004, Member States shall introduce fingerprints and photographs as biometric identifiers in the VIS for verification and (or) identification purposes. The present Proposal for a Regulation of the European Parliament and the Council amending the CCI aims at providing a legal basis for the collection of biometric identifiers.

The EDPS issued an opinion on 23 March 2005 concerning the VIS proposal ([2]). In this opinion, he underlined the importance of surrounding the processing of biometric data with all the necessary safeguards, in view of their specific characteristics ([3]):

> *'Using biometrics in information systems is never an insignificant choice, especially when the system in question concerns such a huge number of individuals. Biometrics (…) change irrevocably the relation between body and identity, in that they make the characteristics of the human body "machine-readable" and subject to further use. Even if the biometric characteristics are not readable by the human eye, they can be read and used by appropriate tools, forever, wherever the person goes.'*

According to the EDPS, this sensitive nature of biometric data requires that the introduction of obligations to use these data should only take place after a thorough assessment of its risks and should follow a procedure allowing full democratic control. These remarks underlie the examination by the EDPS of the present proposal.

2.2. Context of the proposal

The context in which this proposal is made makes it even more sensitive. The proposed regulation cannot be seen in isolation from the development of other large-scale IT systems and the general tendency towards greater interoperability between information systems. This is mentioned in the Commission's Communication of 24 November 2005 on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs ([4]).

Therefore, a decision made in a given context and in view of a given purpose is likely to have an influence on the development and use of other systems built for other purposes. In particular, biometric data — probably including data collected for the implementation of the visa policy — could be used in different contexts once they are available. This could concern not only the framework of the SIS, but in all likelihood Europol and FRONTEX as well.

2.3. Obligation to provide fingerprints

The explanatory Memorandum of the present proposal states: 'As the taking of biometric identifiers will now be part of the visa application procedure, the Common Consular Instructions have to be amended in order to create the legal basis for this measure'.

The EDPS objects to the choice of the legislator to include provisions on whether or not to exempt certain individuals or groups of individuals from the obligation to provide fingerprints in the CCI, rather than in the VIS Regulation itself. Firstly, these provisions have a significant impact on the privacy of a great number of individuals and should be dealt with in the context of basic legislation rather than in instructions with a largely technical character. Secondly, the clarity of the legal regime would make it preferable to deal with this in the same text as the one establishing the information system itself.

([1]) Proposal for a Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay-visas (COM(2004)835 final) presented by the Commission on 28 December 2004

([2]) Opinion of 23 March 2005 on the Proposal for a Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay-visas, OJ C 181, 23.7.2005, p. 13.

([3]) *'[Biometrics] offer a quasi-absolute distinctiveness, i.e. each individual possesses unique biometrics. They almost never change throughout a person's life which provides permanency to these characteristics. Everybody have the same physical "elements" which also gives to biometrics a dimension of universality.'*, ibid.

([4]) COM (2005) 597 final.

(a) First of all, creating a legal basis for the mandatory fingerprinting and taking of biometric identifiers is much more than a technicality; it has a significant impact on the privacy of the individuals concerned. In particular the choice of minimum and/or maximum ages for fingerprinting is a political decision and not only a technical one. Therefore, the EDPS recommends dealing with this matter, and especially with the aspects which are not purely technical in the basic text (VIS proposal) instead of in a handbook of instructions on mainly technical and practical aspects of the visa procedure ([1]).

In this regard, it is also useful to recall the requirements of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its case law. According to Article 8 (2) ECHR, any interference by a public authority with the exercise of the right to privacy is only allowed, if it is 'in accordance with the law' and is 'necessary in a democratic society' for the protection of important interests. In the case law of the European Court of Human Rights, these conditions have led to additional requirements as to the quality of the legal basis for interference (it must be provided for in an accessible legislation and be foreseeable), the proportionality of any measure, and the need for appropriate safeguards against abuse.

Apart from the fact that the piecemeal approach to legislation described here under does not make for clear and accessible regulation, one can wonder whether the CCI themselves can even qualify as such. There could be some questions surrounding the procedure for (possible) future amendment of this text. It should in any case be guaranteed that a decision of this importance cannot be amended without a procedure providing the appropriate transparency and democratic consultation.

(b) The second issue is one of clarity of the legal regime. The Explanatory Memorandum of the proposal does not make clear why a different legal basis is needed for the collection of biometric identifiers and for the processing thereof. It states that 'this proposal … deals with the collection of biometric data whereas the VIS proposal covers the transmission and exchange of data'. ([2]) However, from a data protection point of view, processing of personal data includes the collection thereof. Regulating operations in a chain of activities in different legal texts may be detrimental to the clarity of the regime. This is a problem for data subjects (to be affected by this proposal) as well as for democratic scrutiny of the system. It is indeed increasingly difficult to have the full picture in this area, where different pieces of legislation regulate what is basically the same data processing.

2.4. **Exemptions from fingerprinting**

This concern is very well illustrated by the question of the categories of persons exempted from the obligation to provide fingerprints, and especially in the case of young children.

The admissibility of the fingerprinting of young children should be discussed in the light of the purpose of the VIS itself. In other words, imposing the taking of biometric identifiers on some categories of persons or exempting them from this obligation, must be a proportionate measure in the framework of the visa policy and related objectives as stated in the VIS proposal. This proportionality should be assessed in a democratic procedure.

It should also be assessed in the light of the use to be made of these fingerprints, as described in the VIS proposal. Biometrics will be used for either verification or identification purposes: a biometric identifier could be judged technically suitable for the one and not for the other. The processing of fingerprints of children below the age of 14 is usually seen as reliable for verification only. This should influence the analysis of this proposal, but, again, the necessary elements are to be found in the VIS proposal (and are not yet decided upon).

In conclusion, the EDPS strongly advises that the exemptions to the taking of biometric identifiers in the VIS Regulation be strictly regulated, for reasons of clarity and consistency. The regulation of the collection of biometric identifiers and especially fingerprints in this case should be seen as ancillary to the main legal instrument and therefore addressed in the main document itself.

([1]) The fact that the legal basis is different — Article 62 (2) b) ii for the CCI, Article 66 for the VIS proposal — does not prevent the legislator from dealing with this matter in the same text.

([2]) Explanatory Memorandum, page 5

2.5. **Age of visa applicants**

The proposal states that only those children under the age of 6 will be exempted from the obligation to provide fingerprints. This raises many questions (regardless of whether this will be in the VIS or the CCI proposal).

First of all, the EDPS takes the view that a generalised fingerprinting of children cannot be seen as a mere technicality and should require a serious democratic debate in the appropriate institutions. Such a decision should not be based only on technical feasibility, but also, at least, on the benefit it would represent for the implementation of the VIS. However, with the exception of very few member States, there does not seem to be a public debate on this question presently, which is highly regrettable.

It must also be recalled that the VIS is established in principle with the objective of facilitating the visa procedures for bona fide travellers (the majority of travellers). Therefore, aspects of convenience and ergonomics should be taken into account ([1]). The use of biometric identifiers whether in the visa application procedure or at border controls should not make complying with visa procedures for children exceedingly difficult.

Finally, it should be recalled that all biometric identification systems have technical imperfections. The scientific literature does not present conclusive evidence that fingerprinting of children below the age of 14 can provide for reliable identification. The only experiences conducted so far on a large population are the Eurodac and US-Visit systems. Interestingly enough, both systems use fingerprints of children from the age of 14 upwards. Fingerprinting of children below that age should be supported by studies proving their accuracy and usefulness in the context of such a large scale database as VIS.

In any case, it would be advisable to use young children's fingerprints rather for one-to-one comparisons than for one-to-many comparisons. This should be regulated explicitly.

Finally, most of the remarks made here above do not concern only children, but also the elderly. The accuracy and usability of fingerprints decrease as people grow older ([2]) and aspects of convenience and ergonomics are also especially relevant.

2.6. **Photographs**

The same could be said about photographs, for which no age limit is foreseen either in this proposal or in the VIS proposal. However, it could be asked whether pictures of children taken before they have their adult features, are really useful whether for identification purposes, or even for verification purposes.

Facial recognition of children (whether automated in the future or 'human') based on reference pictures that are a few years old is likely to be problematic. Even if the technology of facial recognition makes significant progress, it is very unlikely that software will be able to compensate for the effect of growth on children's faces in the near future. Therefore, it should be clarified in the VIS Regulation that photographs can only be used as a supporting element for the verification or identification of individuals as long as the technology of facial recognition is not reliable enough, bearing in mind that this is likely to be the case for children in a more distant future.

Generally speaking, for both the biometric identifiers, the EDPS recommends giving serious consideration to the question whether the advantages (fighting illegal immigration and smuggling of children) outweigh the above mentioned drawbacks.

2.7. **Other exceptions**

The proposal states that applicants 'where fingerprinting is physically impossible' shall be exempt from the requirement to give fingerprints.

([1]) As underlined in a study commissioned by the Dutch government, in J.E. DEN HARTOGH et al., *How do you measure a child? A study into the use of biometrics in children*, 2005, TNO.

([2]) See e.g. A. HICKLIN and R. KHANNA, *The Role of Data Quality in Biometric Systems*, MTS, 9 February 2006.

The EDPS has already underlined in his opinion on the VIS proposal that this situation concerns a significant number of persons: up to 5 % of the population is said to be unable to enrol. On a database with 20 000 000 entries a year, it means that there could be up to 1 000 000 cases a year of difficulties in enrolling. This should certainly be borne in mind when analysing this proposal. Moreover, the EDPS insisted on the need for efficient fallback procedures:

'Fallback procedures should be available to constitute essential safeguards for the introduction of biometrics as they are neither accessible to all nor completely accurate. Such procedures should be implemented and used in order to respect the dignity of persons who could not follow successfully the enrolment process and to avoid transferring onto them the burden of the system imperfections.'

The proposed regulation provides for the introduction of the mention 'non applicable' in the VIS in these cases. This is certainly welcome. However, it could be feared that an inability to enrol could more easily lead to the refusal of the visa. If a very high percentage of inability to enrol leads to a denial of visa, it is not acceptable.

Therefore, a provision should be added to the VIS Regulation to the effect that an impossibility to enrol shall not automatically lead to a negative opinion on the issuance of the visa. Moreover, special care should be taken in the reporting foreseen in the VIS Regulation to address this issue: a high number of visa denials linked with physical impossibility to enrol should be monitored.

3. **OUTSOURCING OF VISA APPLICATIONS**

In order to ease the burden on each Member State (due inter alia to the cost of the purchase and maintenance of equipment), the proposal makes several cooperation mechanisms possible:

— co-location: staff from one or more Member States process the application (including biometric identifiers) addressed to them at the diplomatic post and consular mission of another Member State and share the equipment of that Member State;

— Common Application Centres: staff of diplomatic missions of one or more Member States are pooled in one building in order to receive the visa applications (including biometric identifiers) addressed to them;

— Finally, the proposal envisages that reception of the application form and taking of the biometric identifiers could be carried out by an external service provider (this option appears to be a last resort for Member States which cannot use one of the two other possibilities, although this is not entirely clear).

The proposal goes to great lengths to ensure that only reliable external service providers can be selected and that these providers must be able to take all necessary measures to protect data against 'accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access (…)' (Article 1.B.2 of the proposal).

This provision is drafted with great care and attention for data protection, which the EDPS welcomes. However, having the processing of visa applications carried out by an external service provider in a third country has a number of consequences in terms of the protection of the (sometimes very sensitive) data collected for issuing visas.

The EDPS underlines especially the following:

— it may prove very difficult, perhaps even impossible to perform background checks on employees due to the third State legislation or practices;

— similarly, imposing sanctions on employees of an external provider for breach of privacy legislation will not necessarily be possible (even if contractual sanctions can be applied to the main contractor);

— the private company may be affected by political unrest or changes and not be in a position to fulfil its obligations in terms of security of the processing;

— effective oversight could be difficult to put in place although it would be even more necessary with external partners.

Therefore, any contract with external service providers should contain the necessary safeguards to ensure data protection compliance, including external audits, regular spot checks, reporting, mechanisms ensuring liability of the contractor in case of breach of privacy regulations, including the obligation to compensate individuals where they have suffered a damage deriving from an action of the service provider.

In addition to these concerns, may be even more importantly, one should be aware that Member States will not be able to guarantee the protection of the outsourced data processing (or of the data processing carried out in a Common Application Centre if this is done in a building outside diplomatic premises) against a possible intervention (e.g. search or seizure) by the applicant country's public authorities ([1]).

Indeed, external service providers will, despite all other contractual provisions, be subjected to national law of the third country where they are established. Recent events concerning access by authorities from a third State to financial data processed by an EU company show that the risk is far from theoretical. Moreover, this could involve a major risk for the individuals concerned in some third States who would be keen to know which of their citizens have applied for a visa (for political control on opponents and dissidents). Staff from a private company, in most cases probably local staff, would not be in a position to resist pressure from the government or law enforcement agencies of the applicant countries requesting data from them.

This is a major weakness of this system compared to the case where data are processed on the premises of a consular office or diplomatic post. In that case, data would be protected under the Vienna Convention of 18 April 1961 on Diplomatic Relations. Article 21 of this Convention stipulates that:

> *'The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission. (…) The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution'.*

Moreover, according to Article 4.1.b of Directive 95/46/EC, national provisions implementing the Directive would also explicitly apply to this processing of personal data, reinforcing the protection.

It seems therefore evident that the only effective way to protect data concerning visa applicants and their (EU citizens or companies) sponsors is to grant them the protection ensured under the Vienna Convention. That means that data should be processed on the premises enjoying diplomatic protection. That would not prevent Member States from outsourcing the processing of visa applications, as long as the external contractor can carry out its activities on the diplomatic post's premises. This would also be true for Common Application Centres.

Therefore, the EDPS would strongly advise against the possibility to outsource the processing to external service providers as foreseen on page 15 of the proposal, new point 1.B.1.b). In this regard, acceptable options are:

— outsourcing the processing of visa application to a private company as long as it is located in a place protected under diplomatic status;

— outsourcing only the provision of information to a call centre as provided for in proposed point 1.B.1.a).

4. **CONCLUSION**

The EDPS welcomes the fact that this proposal to amend the Common Consular Instructions is to be adopted in co-decision, thereby enhancing the democratic scrutiny in an area where this is certainly much needed.

([1]) This problem exists already with the processing of applications by travel agencies; however, it is even more sensitive since biometric data are involved, and because the recourse to a travel agency is in principle not mandatory.

On the substance, the EDPS recommends the following:

— the exemptions of the obligation to provide fingerprints should be dealt with in the VIS Regulation rather than in the CCI, in order to ensure clarity and consistency of this regime;

— the age limits for fingerprinting and photographs should be given careful consideration, taking account of aspects of feasibility but also of considerations of ethics, convenience and accuracy;

— photographs should not be considered as a 'stand alone' identification method but only as a supporting element;

— outsourcing the processing of visa application to a private company should be admissible only if it involves a place under diplomatic protection, and is based on contractual clauses providing for effective oversight and liability of the contractor.

Done at Brussels, 27 October 2006

Peter HUSTINX

European Data Protection Supervisor

II

(Preparatory Acts pursuant to Title VI of the Treaty on European Union)

Initiative of the Republic of Austria with a view to adopting a Council Decision on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations

(2006/C 321/15)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30, Article 32 and Article 34(2)(c) thereof,

Having regard to the initiative of the Republic of Austria [1],

Having regard to the Opinion of the European Parliament [2],

Whereas:

(1) Article 29 of the Treaty on European Union states that the Union's objective is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters.

(2) In their Declaration on Solidarity against Terrorism of 25 March 2004, the Heads of State and Government of the Member States of the European Union declared their firm intention that the Member States mobilise all the instruments at their disposal to assist a Member State or an acceding State in it is territory at the request of its political authorities in the event of a terrorist attack.

(3) Following the attacks of 11 September 2001, the special intervention units of all law enforcement authorities of the Member States have already initiated cooperation activities under the aegis of the Police Chiefs Task Force. Since 2001, their network, called 'Atlas', has conducted various seminars, studies, exchanges of materials, and joint exercises.

(4) No single Member State has all the means, resources and expertise at its disposal to deal effectively with all possible kinds of large scale crisis situations requiring special intervention. It is therefore of crucial importance that each Member State be able to request the assistance of another Member State.

(5) This Decision sets out some general rules on liability, including rules on criminal liability, in order to provide a legal framework for circumstances in which Member States concerned agree to request and provide assistance. The availability of this legal framework and of a declaration indicating the competent authorities will allow the Member States to react speedily and gain time in the event a crisis situation arises,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

This Decision lays down general rules and conditions to allow for special intervention units of one Member State to provide assistance and/or operate on the territory of another Member State (hereinafter referred to as the 'requesting Member State') in cases where they have been invited by the latter Member State and have agreed to do so in order to deal with a crisis situation.

Article 2

Definitions

For the purpose of this Decision:

1) 'special intervention unit' shall mean any law enforcement authority of a Member State which is specialised in the control of a crisis situation.

2) 'crisis situation' shall mean any man-made situation in a Member State presenting a serious direct physical threat to persons or institutions in that Member State, in particular hostage-taking, hijacking and similar incidents.

Article 3

Assistance to another Member State

1. A Member State may ask to be assisted by a special intervention unit of another Member State with a view to dealing with a crisis situation. A Member State may accept or refuse such a request or may propose a different kind of assistance.

[1] OJ C …
[2] Opinion of … (not yet published in the Official Journal).

2. Subject to agreement between the Member States concerned, assistance may consist of the provision of equipment or expertise to the requesting Member State, or of carrying out actions on the territory of that Member State.

3. In the case of actions on the territory of the requesting Member State, officers of the assisting special intervention unit shall:

(a) be authorised to act in a supporting capacity on the territory of the requesting Member State;

(b) operate under the responsibility and direction of the requesting Member State and in accordance with the law of the requesting Member State;

(c) operate within the limits of their powers under their national law.

Article 4

General rules on liability

1. Where, in accordance with this Decision, officers of a Member State operate in the territory of another Member State, the latter Member State shall be liable for any damage caused by them during their operations.

2. By way of derogation from paragraph 1, where the damage results from actions that were contrary to directions given by the requesting Member State or were beyond the limits of the of the relevant officers' powers under their national law, the following rules shall apply:

(a) a Member State in whose territory the damage was caused shall make good such damage under the conditions applicable to damage caused by its own officers;

(b) a Member State whose officers have caused damage to any person in the territory of another Member State shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf;

(c) without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of point (b), each Member State shall refrain in the circumstances provided for in this paragraph from requesting reimbursement of damages it has sustained from another Member State.

Article 5

Criminal liability

During the operations referred to in Article 3, officers operating in the territory of another Member State shall be regarded as officers of that Member State with respect to offences committed against them or by them.

Article 6

Meetings and joint training

Member States shall ensure that their relevant authorities hold meetings and organise joint training and exercises, whenever necessary, with a view to exchanging experience, expertise and general, practical and technical information about providing assistance in crisis situations.

Article 7

Costs

Each Member State shall bear its own costs, unless otherwise agreed between the Member States concerned.

Article 8

Relation to other instruments

1. Member States may continue to apply bilateral or multilateral agreements or arrangements in force on … (*) in so far as such agreements or arrangements allow the objectives of this Decision to be extended or enlarged between Member States.

2. Member States may conclude or bring into force bilateral or multilateral agreements or arrangements after … (*) in so far as such agreements or arrangements allow the objectives of this Decision to be extended or enlarged between Member States.

3. The agreements and arrangements referred to in paragraphs 1 and 2 may in no case affect relations with Member States which are not parties thereto.

4. Member States shall inform the Council and the Commission of the agreements or arrangements referred to in paragraphs 1 and 2.

Article 9

Final provisions

Each Member State shall, before … (*), state in a declaration deposited with the General Secretariat of the Council which authorities are covered by the definition of special intervention unit, and which competent authorities may make requests and give authorisations for providing assistance as referred to in Article 3. Any such declaration may be modified at any time.

Article 10

Taking effect

This Decision shall take effect on … (**).

Done at Brussels, …

For the Council

The President

…

(*) …
(**) …

NOTICE TO READERS

From 1 January 2007, the structure of the Official Journal will be modified in the direction of a clearer classification of the acts published which preserves, nevertheless, essential continuity.

The new structure, with examples illustrating its use in the classification of acts, can be consulted on the EUR-Lex site on the following address:

http://eur-lex.europa.eu/en/index.htm