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⁽¹⁾ Text with EEA relevance.

II

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

Update of Annex II and of Tables 1 and 2 of Annex IIIb with respect to applicable euro values in accordance with Article 10a of Directive 1999/62/EC of the European Parliament and of the Council, as amended by Directive 2011/76/EU of the European Parliament and of the Council

(2020/C 223/01)

Annex II to Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures ⁽¹⁾, is updated as follows:

*‘ANNEX II***MAXIMUM AMOUNTS IN EURO OF USER CHARGES, INCLUDING ADMINISTRATIVE COSTS, REFERRED TO
IN ARTICLE 7(7)****Annual**

	maximum three axles	minimum four axles
EURO 0	1 475	2 472
EURO I	1 282	2 140
EURO II	1 116	1 861
EURO III	970	1 617
EURO IV and less polluting	882	1 471

Monthly and weekly

Maximum monthly and weekly rates are in proportion to the duration of the use made of the infrastructure.

Daily

The daily charge is equal for all vehicle categories and amounts to EUR 13.’

Annex IIIb to Directive 1999/62/EC as amended by Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 ⁽²⁾, is updated as follows:

⁽¹⁾ OJ L 187, 20.7.1999, p. 42.

⁽²⁾ OJ L 269, 14.10.2011, p. 1.

‘ANNEX IIIb

MAXIMUM WEIGHTED AVERAGE EXTERNAL-COST CHARGE

This Annex sets out the parameters to be used to calculate the maximum weighted average external-cost charge.

1. Maximum cost of traffic-based air pollution

Table 1

Maximum chargeable air pollution cost

cent/vehicle.kilometre	Suburban roads (including motorways)	Interurban roads (including motorways)
EURO 0	17,8	13,3
EURO I	12,2	8,9
EURO II	10,0	7,8
EURO III	7,8	6,7
EURO IV	4,5	3,4
EURO V after 31 December 2013	0	0
	3,4	2,3
EURO VI after 31 December 2017	0	0
	2,3	1,2
Less polluting than EURO VI	0	0

The values of Table 1 may be multiplied by a factor of up to 2 in mountain areas to the extent that it is justified by the gradient of roads, altitude and/or temperature inversions.

2. Maximum cost of traffic-based noise pollution

Table 2

Maximum chargeable noise cost

cent/vehicle.kilometre	Day	Night
Suburban roads (including motorways)	1,22	2,22
Interurban roads (including motorways)	0,23	0,34

The values in Table 2 may be multiplied by a factor of up to 2 in mountain areas to the extent that it is justified by the gradient of roads, temperature inversions and/or amphitheatre effect of valleys.’

COMMUNICATION FROM THE COMMISSION
Guidelines on the practical application of the essential functionality criterion of the definition of a
‘video-sharing platform service’ under the Audiovisual Media Services Directive

(2020/C 223/02)

I. INTRODUCTION

The Audiovisual Media Services Directive (hereinafter ‘the AVMSD’) ⁽¹⁾ aims at reinforcing the protection of users, especially minors, from certain forms of illegal and harmful audiovisual content online. For this reason, the scope of the AVMSD has been extended to impose certain obligations on video-sharing platform providers.

Pursuant to Article 28b(1) of the AVMSD, Member States have to ensure that video-sharing platform providers under their jurisdiction adopt appropriate measures in order to protect minors from harmful content and all users from content containing incitement to violence or hatred and from content the dissemination of which constitutes an activity which is a criminal offence under Union law (namely public provocation to commit a terrorist offence ⁽²⁾, offences concerning child pornography ⁽³⁾ and offences concerning racism and xenophobia ⁽⁴⁾). Under Article 28b(2), video-sharing platform providers are also subject to certain obligations regarding audiovisual commercial communications.

Recital 4 of Directive (EU) 2018/1808 recognises that ‘[v]ideo-sharing platform services provide audiovisual content which is increasingly accessed by the general public, in particular by young people. This is also true with regard to social media services, which have become an important medium to share information and to entertain and educate, including by providing access to programmes and user-generated videos. Those social media services need to be included in the scope of Directive 2010/13/EU because they compete for the same audiences and revenues as audiovisual media services. Furthermore, they also have a considerable impact in that they facilitate the possibility for users to shape and influence the opinions of other users. Therefore, in order to protect minors from harmful content and all citizens from incitement to hatred, violence and terrorism, those services should be covered by Directive 2010/13/EU to the extent that they meet the definition of a video-sharing platform service.’

It is therefore clear that certain social media services fall within the scope of application of the new rules on video-sharing platforms when they meet certain criteria.

⁽¹⁾ For the purposes of these guidelines, the references to the ‘AVMSD’ shall be understood as references to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1), as amended by Directive (EU) 2018/1808 (OJ L 303, 28.11.2018, p. 69).

⁽²⁾ As set out in Article 5 of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

⁽³⁾ As set out in Article 5(4) of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

⁽⁴⁾ As set out in Article 1 of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, p. 55).

According to Article 1(1)(aa) of the AVMSD, a 'video-sharing platform service' is a 'service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or of a dissociable section thereof or an essential functionality of the service is devoted to providing programmes, user-generated videos, or both, to the general public, for which the video-sharing platform provider does not have editorial responsibility, in order to inform, entertain or educate, by means of electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC and the organisation of which is determined by the video-sharing platform provider, including by automatic means or algorithms in particular by displaying, tagging and sequencing'.

Recital 5 of Directive (EU) 2018/1808 further clarifies that '[w]hile the aim of Directive 2010/13/EU is not to regulate social media services as such, a social media service should be covered if the provision of programmes and user-generated videos constitutes an essential functionality of that service. The provision of programmes and user-generated videos could be considered to constitute an essential functionality of the social media service if the audiovisual content is not merely ancillary to, or does not constitute a minor part of, the activities of that social media service. In order to ensure clarity, effectiveness and consistency of implementation, the Commission should, where necessary, issue guidelines, after consulting the Contact Committee, on the practical application of the essential functionality criterion of the definition of a 'video-sharing platform service'. Those guidelines should be drafted with due regard for the general public interest objectives to be achieved by the measures to be taken by video-sharing platform providers and the right to freedom of expression' ⁽⁵⁾.

In accordance with Recital 5, these guidelines take duly into account the need to ensure freedom of expression and the attainment of objectives of general interest ⁽⁶⁾.

In the process of drafting these guidelines, the Commission has duly consulted the Contact Committee, as required by Recital 5.

II. CATEGORIES OF VIDEO-SHARING PLATFORMS UNDER THE AVMSD

Based on their definition under Article 1(1)(aa) of the AVMSD, video-sharing platform services may be identified on the basis of the following three criteria:

- (1) Services whose principal purpose is to provide programmes, user-generated videos, or both, to the general public;
- (2) Services of a wider nature offering, amongst other elements, a dissociable section whose principal purpose is to provide programmes, user-generated videos, or both, to the general public;
- (3) Services for which *an essential functionality* is devoted to the provision of programmes, user-generated videos, or both, to the general public.

It should be noted that the above criteria are not necessarily mutually exclusive. In particular, services having a dissociable section which could constitute a video-sharing platform under the principal purpose criterion (category 2), may at the same time also qualify as a whole as a video-sharing platform on the basis of the essential functionality criterion (category 3).

In view of the above, the present document aims to provide guidance on the practical application of the essential functionality criterion of the definition of a 'video-sharing platform service' under the AVMSD. The present guidelines are not binding. To the extent that they may interpret the AVMSD, the Commission's position is without prejudice to any interpretation by the Court of Justice of the European Union.

⁽⁵⁾ Also relevant in this regard is Recital 6 of Directive (EU) 2018/1808, which excludes from the scope of the definition of video-sharing platform services those 'non-economic activities, such as the provision of audiovisual content on private websites and non-commercial communities of interest.'

⁽⁶⁾ According to Recital 51 of Directive (EU) 2018/1808, when taking the appropriate measures to protect users and minors, the applicable fundamental rights, including freedom of expression, should be carefully balanced.

III. RELEVANCE OF THE AUDIOVISUAL CONTENT FOR THE ACTIVITIES OF THE SERVICE

Recital 5 of the Directive (EU) 2018/1808 clarifies that, in order for the provision of audiovisual content to constitute an essential functionality of the service, such audiovisual content must not be 'merely ancillary to, or a minor part of' the activities of the service concerned. Audiovisual content should be considered as ancillary to the activities of the service where it is exclusively accessory to an underlying activity or functionality provided by the platform concerned. This could be the case, for example, of videos uploaded exclusively with a view to supporting economic transactions, for instance videos presenting particular goods or services with a view to a potential or actual sale (this may include, for example, e-commerce platforms including users' videos showing a product while in use).

Audiovisual content can be considered as a 'minor part' of the activity of the service whenever, on the basis of quantitative and/or qualitative considerations, it appears that it plays an insignificant role in the overall economy of the service. From a quantitative perspective, for example, the fact that the platform hosts a significant number of videos may suggest that audiovisual content is a non-minor part of the service. At the same time, irrespective of quantitative considerations, videos may constitute a non-minor part of the platform service whenever they contribute in an important manner to the attractiveness, functionality or market success of the service itself. This can be inferred from a number of elements, such as for instance the fact that users consume significant amount of videos or programmes or that the platforms invests in, or gives prominence to, audiovisual content.

The Commission considers that in order to assess whether the audiovisual content functionality is essential, Member States, including their national regulatory authorities should consider, especially, the nature and the particular role played by user generated videos and programmes in the service offered by the platform. In particular, national authorities should carry out an overall analysis of the service, taking into account qualitative and/or quantitative indicators, with a view to ascertaining whether the audiovisual content provided is merely ancillary to, or a minor part of, the activities of the service ⁽⁷⁾.

When assessing a certain service, particular attention should be given to whether the audiovisual content is instrumental for the commercial success or positioning of the service on the market. However, the essential functionality requirement should not, in any case, be interpreted as requiring that the audiovisual content available on the platform be of such a crucial commercial relevance that, in its absence, the service would not be able to function or continue to be provided on the market. Such a narrow interpretation would not guarantee an adequate level of protection of users and minors when they consume audiovisual content on many popular platforms, such as certain social media services, and would thus not be in line with the aim pursued by the AVMSD ⁽⁸⁾.

Also, services that rely on audiovisual content as a non-minor or not merely ancillary component of their economic activity tend to expose their users more to such content. Therefore, the Commission considers that, in the application of the essential functionality criterion, Member States, including their national regulatory authorities, should also pay particular attention to the users' perspective and, in particular, to the degree of their exposure to audiovisual content when accessing the relevant services.

In line with the above-mentioned approach, the Commission has identified some relevant indicators that national authorities should consider when applying the essential functionality criterion of the definition of a video-sharing platform service provider. For presentation purposes, these indicators may be grouped into four categories: (1) the relationship between the audiovisual content and the main economic activity or activities of the service; (2) quantitative and qualitative relevance of the audiovisual content available on the service; (3) monetisation of, or revenue generation from, the audiovisual content; and (4) the availability of tools aimed at enhancing the visibility or attractiveness of the audiovisual content.

⁽⁷⁾ This approach is also consistent with Recital 4 of Directive (EU) 2018/1808, which clarifies that social media services should be included in the scope of the Directive when they compete for the same audiences and revenues as audiovisual media services.

⁽⁸⁾ Recital 4 of the AVMSD refers to social media services which 'have become an important medium to share information and to entertain and educate, including by providing access to programmes and user-generated videos' and 'have a considerable impact in that they facilitate the possibility for users to shape and influence the opinions of other users'.

These indicators should not be applied cumulatively. In particular, the absence of one or more of them should not automatically lead to the conclusion that the service is not a video-sharing platform. Instead, a service should be considered as fulfilling the test of essential functionality where, on the basis of an overall assessment, a sufficient number of indicators analysed support the conclusion that the audiovisual content provided by a service is not merely ancillary to, or a minor part of, the activities of the service.

1. Relationship between the audiovisual content and the main economic activity or activities of the service

In general terms, if the audiovisual content has value on its own on the platform, users may consume videos and programmes as stand-alone items of the platform service, i.e. independently of another underlying economic activity. In these cases, it is likely that such audiovisual content is not merely ancillary to, or a minor part of, the activities of that service and that users will be exposed to an important degree to such content.

In this regard, Member States, including their national regulatory authorities, should, in particular, take the following indicators into account:

- **The overall architecture and external layout of the platform.** Where the platform is geared towards the sharing of content in view of informing, educating or entertaining users rather than, for example, facilitating economic transactions, the audiovisual component is likely not to be considered as merely ancillary to, or a minor part of, the activities of that platform. In this context, relevant elements could be the overall structure and external layout of the service, for example whether or not its main pages (including the sharing interface) or platform timeline include prominent video-sharing features (as opposed to mere e-commerce driven features), such as the presentation or suggestion of new or popular videos or live broadcasting, listing of video categories, a 'take a video' button or a direct link with the phone or computer gallery feature and the content stored therein. In the presence of such elements, it is likely that audiovisual content would not constitute a minor or merely ancillary part of the service.
- **Stand-alone nature of the audiovisual content.** Where videos are uploaded or shared on a platform as 'stand-alone' items, rather than with a view to facilitating economic transactions, and watched by users by virtue of their intrinsic informational, entertaining or educational value, they are more likely to be of particular relevance for the activities of that platform. Conversely, the fact that the platform is designed essentially as a vehicle to market, or to facilitate the marketing of goods or services (other than provision of audiovisual content) is an indication that the audiovisual functionality is ancillary to, or a minor part of, the underlying economic activity. For example, if an e-commerce platform allows vendors to use videos solely to illustrate specific products, this would suggest that the platform should not be considered a video-sharing platform. In this context, national authorities may verify whether users upload, share or download videos as stand-alone items rather than to promote the sale of goods or services. In such cases, videos are also more likely to lead to an important users' exposure, and, consequently, the audiovisual component could be regarded as being more than merely ancillary to, or a minor part of, the activities of the platform.
- **Specific functionalities of the service tailored for, or specific to, audiovisual content.** The fact that the platform includes specific features tailored for, or specific to, audiovisual content is an indication of the particular importance of the audiovisual content in the overall economy of the service. Particularly relevant would be elements such as the existence of an auto-play functionality, especially when enabled by default, or a livestreaming functionality. Similarly, the fact that the platform allows searching only video content or filtering the results of a particular search by showing only videos could be taken into account. The existence of such functionalities indicates that the audiovisual content is not merely ancillary to, or a minor part of, the activities of the service and usually leads to greater exposure of users to such content.
- **The way the service positions itself on the market and the market segment it addresses.** Relevant indicators of a non-ancillary or non-minor nature in this regard could be drawn from the way the service self-identifies in its communication to the public and the way it markets or advertises its services to the users on the market segment it addresses. The fact that the service markets itself, or refers to itself in public communication, as a video-sharing platform or that it specifically refers to its audiovisual component or offer should be taken into account in this regard.

2. Quantitative and qualitative relevance of audiovisual content for the activities of the service

In principle, the Commission considers that the greater the amount and importance of audiovisual content on the service, the less likely it is that such content is merely ancillary to, or a minor part of, the activities of the service. In these cases, the services are more likely to lead to an important users' exposure to audiovisual content.

The amount and relevance of audiovisual content can be assessed on the basis of both quantitative and qualitative indicators. Member States, including their national regulatory authorities should, in particular, take the following indicators into account:

- **The amount of audiovisual content available on the platform.** If the platform includes a significant amount of videos, the audiovisual functionality of the service is not likely to be merely ancillary to, or a minor part of, the activities of the service. This assessment should be based on meaningful and reliable evidence. If meaningful data is available, national authorities may frame this assessment in quantitative terms, by taking into account for example the number or the proportion of videos present on the platform as compared to other type of available content. National authorities are encouraged to gather or verify such data or elements autonomously or from sources independent from the service provider concerned. In the absence of precise data, national authorities may have recourse to relevant qualitative evidence, such as sample analysis of portions of the platform during a time lapse or surveys of users/stakeholders.
- **The use of audiovisual content on the platform.** The fact that users of a platform make substantial use of videos available on that platform is an indication that audiovisual content is of particular relevance for the service. As explained in relation to the previous indicator, in their analysis national authorities are encouraged to rely on meaningful and reliable evidence. For instance, whenever meaningful data is available, national authorities may use such quantitative data, such as the number of clicks, shares and likes relating to videos. Where possible, national authorities may also draw appropriate comparison between the usage of audiovisual content and other types of content within the platform. National authorities are also encouraged to gather or verify such data or elements autonomously or from sources independent from the service provider concerned. In the absence of precise data, national authorities may have recourse to relevant qualitative evidence, such as sample analysis of portions of the platform during a time lapse or surveys of users/stakeholders.
- **Reach of the audiovisual content.** Popular videos, even if limited in number, may reach large numbers of users, especially via sharing and recommendations. The presence in the platform of popular video content aiming to inform, educate or entertain users is an indication of the non-ancillary or non-minor character of such content. In these cases, the audiovisual functionality is not likely to be considered merely ancillary to, or a minor part of, the activities of the service. Consistent with Recital 5 and the need to give due regard to the general public interest to be achieved by the new rules, particular attention could be given, in this context, to the target audience of the platform and, in particular, to whether the platform is targeting minors or, even if it is not explicitly targeting minors, is regularly used by minors and takes no measures to discourage such use. In particular, in these cases, an important number of (vulnerable) users can be exposed to the audiovisual content available on the platform, even if the relative amount of such content on the platform is limited. Therefore, the assessment should take into account the degree of risk of exposure of minors to audiovisual content on the service.

3. Monetisation or revenue generation from the audiovisual content

The fact that platforms monetise or generate revenues from the audiovisual content usually indicates that such content is not merely ancillary to, or a minor part of, their activities. This is generally also an indication of the commercial relevance of such content for the service.⁽⁹⁾ In practice, these services are more likely to expose users to such content to an important degree in order to increase the resulting revenues or other related benefits.

⁽⁹⁾ The notion of monetisation of audiovisual content encompasses direct revenues and indirect gains obtained by the service. Even in cases where the service does not receive revenues directly it can indirectly benefit from the audiovisual content uploaded and monetised by users. Generally, the perspective of monetising their content will incentivise creators to produce content of higher quality in order to attract views and, in turn, revenues. Ultimately, this can be expected to have a positive impact on the popularity and success of the service.

Member States, including their national regulatory authorities should, in particular, take the following indicators into account:

- **Inclusion of commercial communications in or around audiovisual content** (such as pre-, mid- or post-rolls ⁽¹⁰⁾). This indicator should be understood as including both the commercial communications controlled by the service as well as the sale of advertising space to third parties, such as advertisers. In this context, policies implemented by the services aimed at guaranteeing the appropriateness of the audiovisual content around or within which commercial communications of a specific third party brand would be displayed are further elements to consider.
- **Making the access to audiovisual content subject to payment.** The fact that the platform makes access to audiovisual content subject to payment, such as subscription or pay-per-view, proves that the service generates revenues from such content. The use of such payment systems is relevant regardless of whether the monetisation system is managed directly by the service or by the uploaders/creators.
- **Sponsorship agreements between brands and uploaders.** Sponsorship or product placement agreements between different kind of third party brands of products and services and uploaders (creators of audiovisual content) are becoming a common way of monetising audiovisual content as more and more brands enter into agreements with popular creators or influencers who garner large number of views. In some cases, services expressly encourage or facilitate such agreements by, for instance, organising events for third party brands and creators or by offering logistical support. While the video-sharing platform services may not participate directly in these agreements, they indirectly benefit from the popularity of those creators and the number of views they attract. Therefore, the presence of these arrangements is an indicator of (indirect) monetisation of audiovisual content on the platform.
- **Tracking of users' platform activities.** The fact that the platform tracks users' interaction with audiovisual content available on the service for various marketing/commercial purposes, such as targeted behavioural advertising or data-sharing agreements, should also be considered as a means of indirect monetisation.

4. Availability of tools aimed at enhancing the visibility or attractiveness of the audiovisual content ⁽¹¹⁾

The presence in a particular service of specific tools aimed at enhancing the visibility or the attractiveness of audiovisual content usually indicates that such content is not merely ancillary to, or a minor part of, their activities. Such tools usually also lead to greater exposure of users to the audiovisual content.

Member States, including their national regulatory authorities should, in particular, take the following indicators into account:

- **Specific features or actions prompting the consumption of audiovisual content.** The fact that the user interface includes specific features prompting the consumption of audiovisual content indicates the relevance of such content, both for the users and the activities of the platform. For example, the fact that videos are suggested or shown by the platform on the main page or in the platform's timeline, without any specific request or input by the user, is a relevant element to consider. National authorities could also take into account whether the service promotes or prioritises audiovisual content in the results of user searches and, thus, whether audiovisual content could be considered as being actively pushed to the users.

⁽¹⁰⁾ These terms refer to video advertisements run, respectively, before, in the middle or after the content which they accompany.

⁽¹¹⁾ In accordance with the definition of video-sharing platforms set out in Article 1(1)(aa) of the AVMSD, it is presumed for the purpose of this category of indicators that such tools are not such to confer on the platform under consideration a degree of actual control over the audiovisual content akin to a form of 'editorial responsibility', an element that would qualify them as media service providers rather than a video-sharing platform service (whether this is the case is an assessment to be undertaken on a case-by-case basis by the national regulatory authorities concerned). The guidelines are also without prejudice to Articles 12, 13 and 14 of Directive 2000/31/EC, as further clarified in Recital 48 of Directive (EU) 2018/1808, and Article 28b of the AVMSD.

- **Tools available within or around videos that are designed to attract users and encourage their interaction.** The presence of tools or systems, such as filters, sharing options, live chats specifically linked to audiovisual content or watch parties is an indication of the willingness of the service to foster users' engagement with videos and programmes and capture users' attention thereto. The use of such tools and systems is aimed at facilitating, improving or boosting users' audiovisual experience on the platform and the popularity of the audiovisual content. It can therefore be seen as an indication of the particular relevance of such content for the activity or activities of the service. This indicator also includes any development or investment made by services in innovative, more immersive and interactive ways of sharing and consuming audiovisual content. In particular, the fact that the service supports a specific application for 'smart TV' could be seen as an indication that it not only enables but also actively encourages consumption of audiovisual content.
- **Tools or systems allowing users to select the audiovisual content they wish to be offered.** Certain services offer users the possibility to personalise their own audiovisual offer by declaring what they are interested in or specifically opting out from certain types of content. This is usually done through questionnaires, samples or similar means. These tools or systems are offered to users in order to retain users' attention and engagement with audiovisual content and are thus an indication of the particular relevance of the audiovisual functionality for the activities of the service.
- **Tools or systems to track the performance and manage content uploaded on the platform.** Services can also enhance the attractiveness of their audiovisual content by offering uploaders tools or systems to track and manage the performance of the content uploaded onto the service. By doing so, services allow uploaders to have a better understanding of the preferences of their viewers which would lead to more attractive content being provided on the platform. The presence of such tools should thus be seen as an indication of the particular relevance of the audiovisual content for the activities of the service.

IV. PROCEDURAL REMARKS

The decision on whether the service has the provision of audiovisual content as an essential functionality (for the purposes of Article 1(1)(aa) of the AVMSD) lies with the Member State having jurisdiction over such service according to Article 28a of the AVMSD.

When performing the assessment of whether a service fulfils the essential functionality criterion, the national authority should work on a case by case basis and take into account the specificities of the relevant service.

National authorities should inform the service providers about the on-going assessment and the legal implications of being considered as a video-sharing platform provider, in conformity with the AVMSD and in order to obtain the necessary information for the purposes of the ongoing assessment.

However, this should not preclude national authorities from cooperating with their regulatory counterparts in other Member States to support their assessment. This cooperation could be desirable especially in order to gather the relevant data or information and to limit the risks of divergent interpretations of the above indicators by national regulatory authorities. The European Regulators Group for Audiovisual Media Services (ERGA) is the appropriate forum to facilitate such cooperation.

National regulatory authorities are invited to keep ERGA duly informed when assessing whether certain services fulfil the essential functionality criterion and thus constitute a video-sharing platform service. In particular, national regulatory authorities should inform ERGA of the preliminary conclusions as well as of the underlying reasoning of their assessment. In this context, ERGA should bring any significant or persistent inconsistencies in the approaches taken by national regulatory authorities to the attention of the Commission. The Commission will keep the AVMSD Contact Committee informed about such developments.

COMMUNICATION FROM THE COMMISSION

Guidelines pursuant to Article 13(7) of the Audiovisual Media Services Directive on the calculation of the share of European works in on-demand catalogues and on the definition of low audience and low turnover

(2020/C 223/03)

I. BACKGROUND

The Audiovisual Media Services Directive ⁽¹⁾ (hereinafter ‘the AVMSD’) lays down reinforced rules on the promotion of European works. Article 13(1) establishes that providers of on-demand audiovisual media services (hereinafter ‘on-demand’ or ‘video on demand (‘VOD’) services’) must ‘secure at least a 30 % share of European works in their catalogues and ensure prominence of those works’.

Article 13(2) of the AVMSD stipulates that ‘where Member States require media service providers under their jurisdiction to contribute financially to the production of European works (...), they may also require media service providers targeting audiences in their territory, but established in other Member States to make such financial contributions’. Such contributions ‘shall be proportionate and non-discriminatory’.

Article 13(6) of the AVMSD provides for mandatory exemptions for companies with a low turnover or a low audience from the obligations under Article 13(1), as well as from the possible requirements under Article 13(2). The aim of the exemptions, as clarified in Recital 40, is to ensure that the obligations relating to the promotion of European works do not undermine market development and do not inhibit the entry of new market players.

Pursuant to Article 13(7) of the AVMSD, the present document aims to provide guidelines regarding:

- (a) the calculation of the share of European works in the catalogues of on-demand providers and
- (b) the definition of low audience and low turnover in the context of the above-mentioned exemptions.

The guidelines are not binding. In the process of drafting these guidelines, the Commission has duly consulted the Contact Committee, as required by Article 13(7). To the extent that the guidelines may interpret the AVMSD, the Commission’s position is without prejudice to any interpretation by the Court of Justice of the European Union.

II. CALCULATION OF THE SHARE OF EUROPEAN WORKS

1. Calculation per titles

In the market for linear audiovisual media services (television broadcasting), the share of European works in broadcasters’ programming schedules is calculated by reference to the transmission time. Article 16 of the AVMSD provides that broadcasters must reserve a majority proportion of their transmission time for European works. This clearly reflects the time-bound nature of linear services, where only a limited number of programmes can be broadcast at the same time and during a determined period. The duration element is thus specifically linked to the intrinsic characteristics of television broadcasting (linear) services that base their programming on daily (24 hours) schedules.

Such constraints do not apply to on-demand audiovisual media services (VOD) providers. For on-demand services, the inclusion of a certain programme is not dependent on the availability of a time slot in a programming schedule. Moreover, the inclusion of a particular programme of a specific duration in a catalogue does not imply the exclusion/substitution of another programme of a similar duration. In other words, VOD providers do not create their catalogues based on time-related considerations, but on the attractiveness of a potentially large number of individual programmes placed at users’ disposal.

Similarly, from a user perspective, the choice of watching a programme available in the on-demand catalogues is not constrained time-wise, in the sense that watching a certain programme does not imply renouncing to watching all the other programmes available at the same time. The essence of VOD services lies precisely in the freedom of the user to select and watch an individual programme from a catalogue at the chosen time and as many times as the user wants.

⁽¹⁾ For the purposes of these guidelines, the references to the ‘AVMSD’ shall be understood as references to Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1), as amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 (OJ L 303, 28.11.2018, p. 69).

Since the relevant choices of both VOD providers and their users are centred around the individual programmes (based e.g. on the perceived quality, attractiveness, tastes), the Commission considers that, in the case of VOD services, due to their characteristics, it is more appropriate to calculate the share of European works in catalogues based on titles and not on transmission (viewing) time.

The choice of titles in catalogues as the relevant unit of measurement, as opposed to time/duration of content, is supported by additional considerations. Firstly, the calculation of the share of European works by titles, for both films and television ("TV") series, is more neutral as regards the choice of programmes to be included in the catalogues by the VOD providers. The calculation by duration could create an incentive for providers to favour European works of long overall duration (e.g. series with a high number of episodes) in order to easily attain the 30 % share. By being more neutral, the calculation based on titles is likely to facilitate the creation of a more diversified offer of European works.

Secondly, the calculation by titles is likely to be less burdensome for VOD providers than the calculation by duration. VOD providers are more likely to have an account of the number of European titles out of the total number of titles available in their catalogues rather than an account of the total viewing time of European works out of the total viewing time of all the works included in their catalogues.

Thirdly, the calculation by titles is also likely to facilitate monitoring and supervision by the relevant national authorities, as titles are easier to track and verify than the total viewing times.

In view of the above, the Commission considers that it is appropriate to calculate the 30 % share of European works in on-demand catalogues based on the (total) number of titles in the catalogue.

2. What constitutes a title

In the case of feature and TV films, every film should be understood as constituting a title in a catalogue. Different films in a franchise ⁽²⁾ should also be understood as constituting different titles in a catalogue.

The identification of what constitutes a title is more complex for television series or other formats presented in a serialised manner (i.e. episode by episode). Episodes of television series are often grouped into different seasons. In such cases, the question arises whether one title should correspond to the whole series, to one season or to one individual episode.

The Commission takes the view that one season of a series should correspond to one title. The calculation of series by seasons would ensure a similar treatment with feature or TV films. A season of a series is usually the result of a single and continuous creative effort made by the same group of authors/audiovisual professionals, with a single budget and over a unitary period of time. Furthermore, the release on the market and related promotional activities often concern individual seasons. For these reasons, the work carried out in order to produce a season of a series could be considered similar to the work normally required to produce a film.

Furthermore, the calculation by seasons would reduce possible incentives for providers to favour European works of overall long duration (e.g. series or other formats with a high number of episodes) for the purpose of achieving the share to the detriment of shorter works with higher potential of circulation among Member States (e.g. feature films and high end TV series) ⁽³⁾.

On the other hand, some audiovisual productions may have higher production costs compared to other items in the catalogue, for instance in cases of significant direct investment or licencing costs for high-end fiction, where an episode has a duration and production cost similar to a feature film. In these cases, where justified, the national authorities could envisage to give a higher weighting to these works, for example, based on a provider's substantiated request.

⁽²⁾ Franchise is to be understood as a succession of related films sharing the same fictional universe.

⁽³⁾ According to a study of the European Audiovisual Observatory, mostly short formats (TV fiction titles with 26 episodes or fewer) are produced in the EU. More specifically, 90 % of all TV fiction titles have 26 episodes or fewer, out of which 44 % are TV films (1-2 episodes). However, they account for a limited proportion, i.e. 33 % of the total. On the contrary, long format TV fiction programmes represent only 10 % of the number of titles produced but they account for 67 % of all TV fiction hours produced. The same study highlights that shorter formats can be considered to be 'high-end' TV fiction, with a potential for co-productions and exports, while long formats generally have lower production costs and a stronger national background and, probably, less potential for cross-border exploitation. From this perspective, the calculation by titles and seasons could have a positive impact on the circulation of European works with genuine cross-border exploitation potential. See G. Fontaine, TV fiction production in the European Union, European Audiovisual Observatory, Strasbourg, 2017.

3. Calculation per national catalogues

Some VOD providers operating within the Union have multiple national catalogues, which have a different composition, depending on the national market (Member State) they target. Domestic film titles can be found in a specific national catalogue of a multi-country provider and not be available (or available to a very limited extent) in the catalogues that the same provider offers in other Member States ⁽⁴⁾. Thus, it is necessary to determine how the share of European works should be calculated in such cases.

The essence of Article 13(1) of the AVMSD is to ensure that VOD providers actively contribute to the objective of promoting cultural diversity within the Union by providing a minimum share of European works in their offers. The Commission takes the view that this objective can only be effectively achieved if the 30 % share of European works is secured in each of the national catalogues offered by multi-country VOD providers. This will ensure that viewers in every Member State where the provider offers national catalogues have the required exposure to European works. This approach also presents the advantage that it is likely to incentivise the circulation and availability of European works across the Union.

It is important to keep in mind that it is for the country of origin to ensure that on-demand providers under its jurisdiction comply with the obligation to ensure the share of European works in their catalogues. If a VOD provider falling under the jurisdiction of a Member State offers different national catalogues in other Member States, it is the responsibility of the Member State of jurisdiction (i.e. the country of origin) to enforce the obligation related to the share of European works with regard to all the various national catalogues.

4. Temporal dimension

The actual share of European works in VOD catalogues can vary on a day-to-day basis. For example, when a VOD adds a new non-European TV series into its catalogue, this could have an effect of temporarily decreasing the overall share of European works until further European works are subsequently included. This raises the question at which point in time the compliance with the 30 % share should be ensured. Providers may be required to ensure compliance at every point in time or on average over a pre-determined period. The latter approach would allow temporary fluctuations to take place.

The AVMSD does not provide any indications with regard to which of these two methods should be preferred. Both methods could achieve the desired goal to promote cultural diversity in VOD catalogues. Accordingly, the Commission considers that Member States may freely decide what method to adopt in monitoring compliance with Article 13(1) of the AVMSD. When deciding on the monitoring method, Member States should nevertheless take due account of the need to reduce the administrative burden associated with compliance and enforcement and to ensure, as well, transparency and legal certainty for the VOD providers.

III. DEFINITION OF LOW AUDIENCE AND LOW TURNOVER

1. Preliminary remarks

According to recital 40 of the AVMSD, providers with no significant presence on the market should not be subject to the requirements to promote European works, 'in order to ensure that obligations relating to the promotion of European works do not undermine market development and in order to allow for the entry of new players in the market'. While the above considerations are common for both Article 13(1) and Article 13(2), these provisions present some specific differences that need to be considered:

- It is for the Member State of origin to ensure that on-demand providers under its jurisdiction comply with the obligation to secure the share for European works under Article 13(1); it is for the same Member State of origin to apply the exemptions under Article 13(6) to such providers.
- The situation is different for Article 13(2). This provision recognises the possibility for any Member State to impose non-discriminatory and proportionate financial contribution obligations on providers established in another Member State and targeting audiences in its territory. In this case, it is for the 'targeted' Member State to apply both its legislation imposing such contributions and the exemptions under Article 13(6).

⁽⁴⁾ C. Grece, *Films in VOD catalogues – Origin, Circulation and Age* – Edition 2018, European Audiovisual Observatory, Strasbourg, 2018.

In view of these different legal contexts, it is appropriate to consider the specificities of these obligations when considering guidance on the exemptions set in Article 13(6). In particular, it is recalled that, as clarified by recital 36, Member States are allowed to impose financial obligations on media service providers targeting their territory, in view of 'the direct link between financial obligations and Member States' different cultural policies'.

When defining low audience and low turnover, it is thus important to find a right balance between the objectives of preserving a necessary innovation space for smaller audiovisual players and that of promoting cultural diversity through adequate financing for European works under Member States' cultural policies. Therefore, while the guidelines envisage that companies with a low turnover or a low audience as defined below are exempted from the obligations under Article 13, some additional safeguards in specific cases may be needed, particularly for the application of financial contributions in view of ensuring sustainability of audiovisual and film financing systems.

2. Distinction between exemptions established by Union and national law

Article 13(2) of the AVMSD does not harmonise the obligations to contribute financially to the promotion of European works. This provision merely recognises that Member States have the option to apply also to cross-border providers that target audiences in their territory the obligations to contribute through direct investments and levies, in compliance with the principles of non-discrimination and proportionality. It is thus the competence of the Member State that decides to avail itself of this possibility to define and apply the corresponding obligations.

In this sense, if a Member State has in place or introduces obligations for media service providers to contribute financially to the production of European works and these obligations are limited to providers established in that Member State, the present guidelines do not apply. They become relevant if that Member State also applies such requirements to providers targeting audiences in its territory but established in other Member States. In any case, the aim of the exemptions provided in Article 13(6) AVMSD is not to replace the exemptions established at the national level, which define the scope of the obligations to contribute, but to provide safeguards for cross-border providers.

Therefore, the guidance set in this section is without prejudice to the freedom of the targeted Member State to establish different thresholds at national level applicable to providers under its jurisdiction.

It is important to note that Member States applying the financial contribution obligations to providers established in other Member States need to respect the principle of non-discrimination. Therefore, if they have exemptions in place or introduce exemptions at national level applicable to providers established in their territory, these exemptions also need to be applied in a non-discriminatory manner to cross-border providers, even if the thresholds are higher than the ones indicated in these guidelines.

3. Low turnover

As regards the threshold of low turnover, which should serve as a basis for an exemption under Article 13(6), the Commission refers to the Recommendation 2003/361/EC concerning the definition of micro, small and medium sized enterprises ⁽⁵⁾.

Following an established policy-making approach, micro enterprises should a priori be excluded from the scope of the proposed legislation, unless the necessity and proportionality of them being covered is demonstrated ⁽⁶⁾. Therefore, the Commission considers that the threshold for low turnover could be identified by reference to the concept of microenterprise developed in the above-mentioned Commission Recommendation, specifically based on the turnover threshold used in the definition of micro enterprise (i.e. enterprises with a total annual turnover not exceeding EUR 2 million). The annual turnover of the enterprise should be determined in accordance with the provisions of the above-mentioned Commission Recommendation, thus taking into account also the turnover of partner and linked enterprises ⁽⁷⁾.

Due to their limited size and scarce resources, microenterprises may be particularly affected by regulatory costs. Excluding microenterprises from the application of the obligations to promote European works (Article 13(1) and Article 13(2)) avoids hampering the access of new entrants into the market. This approach is therefore consistent with the objective of incentivising the creation of new businesses and promoting market development.

⁽⁵⁾ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).

⁽⁶⁾ http://ec.europa.eu/smart-regulation/impact/key_docs/docs/meg_guidelines.pdf.

⁽⁷⁾ See in particular Article 3 and 6 of the Recommendation.

At the same time, recital 40 of the AVMSD provides that 'the determination of low turnover should take into account the different sizes of audiovisual markets in Member States'. For example, in some Member States, the size of the national markets is in the order of a few million EUR. In several cases, such markets are significantly below ten million EUR. In these markets, even microenterprises may be considered to have a significant market presence.

In view of the above, the Commission considers that Member States with smaller national audiovisual markets should be able to determine lower turnover thresholds. Based on the overall market characteristics, such lower thresholds could be justified and proportionate provided they exempt enterprises that have a share of less than 1 % of the overall revenues in the national audiovisual markets concerned.

4. Low audience

4.1. Video on demand services

4.1.1. Methodology

According to recital 40 of the AVMSD, 'low audience can be determined, for example, on the basis of a viewing time or sales, depending on the nature of the service (...)'. In linear services, audience is traditionally measured by reference to viewing time. The concept of audience for VOD is not an established one and no standardised industry measurements are available across Member States. Thus, there is no data available on audience, verified by a third party, against which one could check if the audience of a specific VOD provider is low. While this situation might change in the future, it is nonetheless necessary at this stage to define a practical method to determine a low audience for the purposes of Article 13 of the AVMSD for VOD providers.

As explained in recital 40, the concept of audience can be associated 'for example' with the sales of the services. In the absence of established industry measurements, the Commission considers this currently to be the most appropriate method for measuring audience in the VOD sector.

While the Directive does not prohibit, in principle, Member States from using alternative criteria, the present guidelines therefore focus on a method for determining the audience of VOD providers based on the sales of the services.

In a VOD environment, the number of users/viewers of a particular service is a proxy for such sales. In particular, the audience could be determined on the basis of the number of active users of a particular service, e.g. the number of paying subscribers for Subscription Video on Demand (SVOD), the number of unique customers/unique accounts used for acquisition of works for Transactional Video on Demand (TVOD), and the number of unique visitors for Advertising Video on Demand (AVOD).

In case of TVOD services, active users could refer, for example, to users that have acquired at least one title in the catalogue over a defined time period. In case of AVOD, the audience could be determined as an average of active users for a defined time period. In case of subscribers that pay for bundled services which include also a VOD account, audience of the VOD services might not be accurately represented by the number of paying subscribers of those bundled services as a whole, as some might not be VOD users. In such cases, national authorities may apply a measurement based on users who have in fact accessed the video content of the service within a defined time-period. In all these cases, the period taken into consideration should be appropriate and meaningful (i.e. not too short), set in advance, and not burdensome in terms of implementation.

In practice, the audience should be determined in terms of the share of active users attained by a particular service: the audience of a VOD service would be the number of its users divided by the total number of users of (similar) VOD services available on the national market and multiplied by 100 to obtain a percentage.

Since audience shares constitute a good proxy for sales and reflect the market position of the service concerned in this sector, providers with a low number of active users would have no significant presence in the market, thus justifying the application of the exemption set in Article 13(6). This method is also close to the notion of TV audience share, which refers to actual TV set holders tuned to particular channels in a given period of time compared to the total number of TV sets in the sample.

4.1.2. Threshold

The Commission considers that providers with an audience share of less than 1 % within a given Member State should be deemed to have a low audience. This threshold reflects a limited uptake of the services of such providers compared to the relevant national markets. This may be, for instance, because a provider is a new entrant on that national market. Based on the available data, the main SVOD providers in Europe ⁽⁸⁾ tend to have a share that goes well beyond 1 % in the national markets where they are present.

In view of the above, the Commission considers it appropriate, in principle, to exempt from the obligations under Article 13 those providers that have an audience share of less than 1 % in the Member State concerned.

With regard to Article 13(1), this means that these providers are exempted by their Member State of origin from the share obligation in those catalogues (directed to the Member State of origin or to other Member States) for which their audience share is below the above-mentioned threshold. With regard to Article 13(2), this means that these providers are exempted by the targeted Member State from the obligation to contribute financially to the production of European works.

4.2. *Linear audiovisual media services*

For linear services, audience is an established concept and audience measurement services exist in several Member States. The definition of low audience should therefore be based on indicators that are already accepted and used in the context of the AVMSD, namely the daily audience share ⁽⁹⁾ calculated for the reference year.

In terms of presence of non-domestic providers, the linear services market is different from the VOD market. For VOD, national markets are largely dominated by non-domestic providers; this is not the case for linear services. The top players are usually TV groups that in general attain the entire or large parts of their audience share in their domestic markets. According to a recent study, the EU audiovisual market is characterised by a limited number of TV channels that capture a large part of the audience. The vast majority of channels have low audience shares: only 5 % of TV channels have an audience share above 10 % and around 80 % of TV channels in any given country in the Union have an audience of 2 % or less ⁽¹⁰⁾.

The threshold for low audience should be determined by taking into account the presence and positioning of the channels on the market for linear audiovisual media services in terms of audience. Therefore, taking into account the characteristics of the market for linear services, cross-border channels with an individual audience share below 2 % in a given targeted Member State should be considered to have low audience in the sense of Article 13(6) of the AVMSD ⁽¹¹⁾. Particularly in case of providers with multiple targeting channels, Member States may consider the overall position of the provider in the national market when applying the exemption ⁽¹²⁾.

5. **Adjustments to take account of the specific nature of financial contributions**

Article 13(2) of the AVMSD refers to two types of financial contribution obligations for the production of European works, namely direct investments in audiovisual content and contributions to national funds (levies). The Commission considers that, when determining the appropriate thresholds, the different impacts of these types of obligations on cross-border providers should be taken into account. The direct investment (e.g. production, co-production, acquisition of rights in works) generally implies a higher entrepreneurial effort than the payment of a levy, due to a different degree of financial involvement and the associated risks. The fulfilment of the investment obligation also depends on the availability of European works, including production projects in which a provider may invest with the available resources.

⁽⁸⁾ See, for example, 'Main OTT SVOD groups in Europe by estimated number of subscribers' (December 2018), published as part of the European Audiovisual Observatory Yearbook 2019, Strasbourg, December 2018.

⁽⁹⁾ See Revised guidelines for monitoring the application of Articles 16 and 17 of the Audiovisual and Media Services (AVMS) Directive, Doc CC AVMSD (2011) 2, p. 3.

⁽¹⁰⁾ A. Schneeberger, The internationalisation of TV audience markets in Europe, European Audiovisual Observatory, Strasbourg, 2019, p. 16.

⁽¹¹⁾ Such markets are characterised by very significant shares of a few channels (typically 80 % of the audience share is covered by the top 20 % of the channels) and a high number of channels with small audience (on average 80 % of TV channels in Europe have an audience share of 2 % or less).

⁽¹²⁾ They may assess if overall the provider is one of the top providers covering 80 % of the audience share in that country.

The Commission understands that in some Member States, depending in particular on the size and structure of the audiovisual market, it may be considered important to apply financial contribution obligations also to on-demand services with a turnover lower than 2 million EUR or with an audience share of less than 1 % as well as cross-border linear services with an audience share below 2 %, in particular pay TV services, as their presence on the national markets may still be deemed important. In order to cater for such situations, Member States may, decide to apply lower thresholds, in duly justified cases and in line with their cultural policy objectives, including the objective to ensure the sustainability of national audiovisual and film funding systems.

These thresholds and the financial contributions imposed should take into account the financial capacity of the service, respect the principles of non-discrimination and proportionality, should not undermine market development and should allow for the entry of new players on the market.

As regards cross-border direct investment obligations, the Commission invites Member States, in particular those with larger audiovisual markets, to consider also exempting enterprises having a total turnover above EUR 2 million ⁽¹³⁾, by setting a higher threshold, or at least make them subject to less onerous investment obligations taking account, in particular, of the possible difficulties to find audiovisual productions to invest in with the available resources in the Member States concerned.

IV. PROCEDURAL REMARKS

While the implementation of Article 13(1) and 13(2) of the AVMSD lies with the national authorities, they are encouraged to cooperate actively with their counterparts in other Member States in the areas covered by the present guidelines. This cooperation might be warranted especially with a view to gathering relevant data or information and to limit the risks of divergent interpretations by national authorities. The European Regulators Group for Audiovisual Media Services (ERGA) could be an appropriate forum to facilitate such cooperation.

In view of the above, national regulatory authorities are invited to exchange information, data and best practices within ERGA and to discuss any issues faced in the application of the present guidelines. In this context, ERGA should bring significant issues in the approaches taken by national regulatory authorities to the attention of the Commission. The Commission will keep the AVMSD Contact Committee informed about such developments.

In the framework of the reporting obligations under Article 13(4) of the AVMSD, Member States should inform the Commission about the application of the present guidelines.

⁽¹³⁾ Calculated in accordance with the provisions of the Commission Recommendation 2003/361/EC concerning the definition of micro, small and medium sized enterprises, cited above.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

6 July 2020

(2020/C 223/04)

1 euro =

Currency			Exchange rate		
Currency			Exchange rate		
USD	US dollar	1,1325	CAD	Canadian dollar	1,5333
JPY	Japanese yen	121,78	HKD	Hong Kong dollar	8,7769
DKK	Danish krone	7,4516	NZD	New Zealand dollar	1,7293
GBP	Pound sterling	0,90505	SGD	Singapore dollar	1,5753
SEK	Swedish krona	10,4848	KRW	South Korean won	1 350,51
CHF	Swiss franc	1,0642	ZAR	South African rand	19,2761
ISK	Iceland króna	157,20	CNY	Chinese yuan renminbi	7,9498
NOK	Norwegian krone	10,6218	HRK	Croatian kuna	7,5610
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	16 328,00
CZK	Czech koruna	26,705	MYR	Malaysian ringgit	4,8441
HUF	Hungarian forint	352,83	PHP	Philippine peso	55,871
PLN	Polish zloty	4,4689	RUB	Russian rouble	81,3769
RON	Romanian leu	4,8375	THB	Thai baht	35,158
TRY	Turkish lira	7,7743	BRL	Brazilian real	5,9745
AUD	Australian dollar	1,6230	MXN	Mexican peso	25,1207
			INR	Indian rupee	84,4535

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

V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration**(Case M.9880 – Permira/Warburg/Tilney/Smith & Williamson)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2020/C 223/05)

1. On 26 June 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- Permira Holdings Limited ('Permira', Guernsey),
- Warburg Pincus LLC ('Warburg Pincus', USA),
- Tilney Group Limited ('Tilney', United Kingdom), which is ultimately controlled by Permira Holdings Limited ('Permira', Guernsey), and
- Smith & Williamson Holdings Limited ('Smith & Williamson', United Kingdom).

Permira and Warburg Pincus acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control of the whole of Smith & Williamson and Tilney. The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Permira is a private equity business engaged in the provision of investment management services to a number of investment funds.
- Warburg Pincus is a global private equity firm headquartered in New York. Warburg Pincus' portfolio companies are active in a variety of sectors, including energy, financial services, healthcare, industrial and business services, technology, media and telecommunications.
- Tilney is an independent wealth management firm headquartered in London, with offices throughout the UK. It is primarily active in providing financial planning, investment management, and advisory services to private clients.
- Smith & Williamson is an independent financial and professional services firm headquartered in London, with offices throughout the UK and Ireland. Smith & Williamson offers, professional, financial and investment management services to individuals and businesses.

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

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

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9880 – Permira/Warburg/Tilney/Smith & Wiliamson

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

OTHER ACTS

EUROPEAN COMMISSION

Publication of an application for approval of an amendment, which is not minor, to a product specification pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(2020/C 223/06)

This publication confers the right to oppose the amendment application pursuant to Article 51 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽¹⁾ within three months from the date of this publication.

APPLICATION FOR APPROVAL OF AN AMENDMENT TO THE PRODUCT SPECIFICATION OF A PROTECTED DESIGNATION OF ORIGIN/PROTECTED GEOGRAPHICAL INDICATION WHICH IS NOT MINOR

Application for approval of an amendment in accordance with the first subparagraph of Article 53(2), of Regulation (EU) No 1151/2012

‘Casciotta d’Urbino’

EU No: PDO-IT-0005-AM01 – 30.7.2018

PDO (X) PGI ()

1. Applicant group and legitimate interest

Consorzio di Tutela Casciotta d’Urbino DOP (‘Casciotta d’Urbino’ PDO Protection Consortium], Via Corbara, 81 – 61030 Colli Metauro (Pesaro e Urbino, Italia), tel. +39 0721879832, fax +39 0721879807; email casciotta-diurbino@it

The ‘Casciotta d’Urbino’ PDO Protection Consortium is formed by ‘Casciotta d’Urbino’ cheesemakers. It is authorised to submit an amendment application under Article 13(1) of Ministry of Agricultural, Food and Forestry Policy Decree No 12511 of 14 October 2013.

2. Member State or third country

Italy

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

☐ Product name

☒ Product description

☒ Geographical area

☒ Proof of origin

☒ Production method

☐ Link

☒ Labelling

☒ Other: the articles of the specification are renamed, and some articles on the designation and the inspection body are inserted;

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

4. Type of amendment(s)

- ☐ Amendments to the product specification of a registered PDO or PGI not to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012
- ☒ Amendments to the product specification of a registered PDO or PGI for which a Single Document (or equivalent) has not been published and which cannot be qualified as minor within the meaning of the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012

5. Amendment(s)

'Casciotta d'Urbino' PDO was registered under Commission Regulation (EC) No 1107/96 following the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92.

The details of the PDO at issue can be found in the Ministry of Agricultural, Food and Forestry Resources Decree dated 4 August 1993, in the summary and in a five-page report.

This amendment therefore consists of putting all the information contained in those different documents into the product specification, thus bringing the specification into line with the Regulation.

Description of product

The amendment concerns Article 2 of the specification (Ministry of Agricultural, Food and Forestry Resources Decree dated 4 August 1995), now point 3.2 of the single document.

— The upper limit of the height of wheels of cheese is to be increased.

The text currently reads:

'Wheel height from 5 cm to 7 cm'

It is to be replaced by:

'Wheel height from 5 cm to 9 cm'

As inspections over the years have shown, the height of the wheel of cheese can be greater than the 7 cm currently stated in the specification, the diameter and weight requirements remaining the same.

This measurement is to be corrected so that cheeses cannot be found non-compliant due only to an error made when the product specification was drafted, essentially because the data available were not fully representative of the true circumstances in 'Casciotta d'Urbino' cheesemaking.

— The following has been added:

'Any substance permitted by the applicable rules may be used to coat the surface of the cheeses. This outer surface (rind) is not edible.'

Although this practice, which is used by some cheesemakers, is not banned by the current specification, it seems advisable to add this explicit reference.

Geographical area

The geographical area has been adapted to reflect administrative changes, specifying that some municipalities belong to the province of Rimini. Article 1 of the specification (Ministry of Agricultural, Food and Forestry Resources Decree dated 4 August 1995), point (f) of the summary, point 4 of the single document.

The current wording reads:

'Casciotta d'Urbino' is made and matured within the province of Pesaro e Urbino, which is also the area of origin of the milk used.

It is to be replaced by:

'Casciotta d'Urbino' is made and matured within the province of Pesaro e Urbino, as well as in the municipalities of Novafeltria, Talamello, Sant'Agata Feltria, Casteldelci, Maiolo, San Leo and Pennabilli in the province of Rimini. This is also the area of origin of the milk used.

The geographical area itself has not changed, but some municipalities that formed part of the province of Pesaro e Urbino when the designation was registered now belong to the province of Rimini.

Proof of origin

A specific article on proof of origin, not currently present in the specification, is to be added.

This article reads as follows:

*'Article 4**Proof of origin*

Each stage in the production process is monitored and all inputs and outputs recorded. This ensures product traceability, which is also aided by listing farmers, cheesemakers, maturing premises, portion-cutters and packagers on registers kept by the inspection body and ensuring that all quantities produced are promptly declared. All individuals and entities listed on the registers are subject to checks by the inspection body in accordance with the terms of the specification and the pertinent inspection plan.

Inserting information on proof of origin will bring the product specification into line with Regulation (EU) No 1151/2012.

Method of production

— The first paragraph of Article 2 of the product specification was amended by removing:

- the description of the cheese as a 'semi-cooked cheese';
- the words 'from two daily milking sessions'.

The current wording:

'Casciotta d'Urbino' is a semi-cooked cheese made from milk – between 70 % and 80 % whole sheep's milk, with whole cows' milk from two daily milking sessions making up the remaining 20-30 % – from the area described in Article 3.

is replaced by:

'Casciotta d'Urbino' is a cheese made from milk – between 70 % and 80 % whole sheep's milk, with whole cows' milk making up the remaining 20-30 % – from the area described in Article 3.

The reason for removing the word 'semi-cooked' is that 'Casciotta d'Urbino' does not meet the requirements for definition as a 'semi-cooked cheese' (formaggio a pasta semicotta) in the most widely used classifications. Over the years this definition has caused some problems at the control stage. The deletion of this term therefore corrects an inaccuracy in the current specification and does not alter the specificity or the characteristics of the product.

The removal of the reference to two daily milking sessions reflects the need to introduce the possibility of using robotic milking systems.

As years of testing have shown, checking that a cheese meets the required fat-to-casein ratio is sufficient to ensure that it has the characteristics laid down in the product specification. The use of robotic milking systems does not affect the properties of the milk in technical or scientific terms, while animal welfare standards are improved.

— Details of livestock breeds and diets that until now have only been present in documents held by the 'Casciotta d'Urbino' Protection Consortium are to be included in the specification.

The list of breeds referred to in the file used to register the 'Casciotta d'Urbino' name is actually to be considered as a representative rather than exhaustive list of the sheep breeds present on the holdings at the time of registration.

The documentation accompanying the application for registration included in the Commission files does not mention the cattle breeds, although it does mention the following sheep breeds: Sarda, Sopravvissana, Gentile di Puglia, Vissana, Merino.

The more comprehensive and more detailed documents from the producers' association refer to the following

sheep breeds: Sarda, Sopravvissana, Gentile di Puglia, Merino, Comisana, Massese, Vissana, Cornella White, Fabrianese, Pinzirita and crosses of those breeds;

cattle breeds: Italian Friesian, Italian Brown, Italian Red Pied, Jersey and crosses of those breeds.

Accordingly, the full list of the sheep and cattle breeds whose milk is used for the production of 'Casciotta d'Urbino' is being added to the specification in the proposed wording.

It is also proposed to add the following sheep breeds: Delle Langhe, Lacuane and Assaf.

Adding the above breeds is also justified by their adaptation to semi-fixed housing. Indeed, for about 10 years the farms have been subject to frequent and harmful attacks from wolves that roam the area, even in the daytime, forcing farmers to reduce grazing periods and give preference to breeds that are better adapted to being kept in housing, if necessary.

The new text to be inserted is as follows:

'The sheep breeds are: Sarda, Sopravvissana, Gentile di Puglia, Merino, Comisana, Massese, Vissana, Cornella White, Fabrianese, Delle Langhe, Lacaune, Assaf, Pinzirita and crosses of those breeds.

The cow's milk is to be obtained from the Italian Friesian, Italian Brown, Italian Red Pied, Jersey and crosses of those breeds.

As far as the animal feed is concerned, the text notes that:

Livestock may be housed or kept at pasture.

At least 50 % of the basic feed for the dairy cattle, made up of fodder (fresh or dried), feed or feed-concentrates, must come from the area of origin identified in Article 3 and must be fed to lactating cows, dry cows and heifers over 7 months old. At least 75 % of the dry matter of the fodder in the daily ration should come from feed produced in the milk production area identified in Article 3. The fodder allowed is: fresh fodder from permanent or temporary meadows, fodder crops, hay obtained from drying the crops in the field, straw from cereals, grass silage, chopped grass and hay silage. The feed allowed is: cereals and cereal products, corn mash, oilseeds and oilseed products, tubers and roots, dry fodder and products of the sugar industry such as molasses and/or derivatives, only as processing aids and flavours up to a limit of 2,5 % of dry matter in the daily ration. Also permitted are: legume seeds and dried locust beans and their derivatives, fats, mineral salts authorised by the legislation in force and additives such as vitamins, trace elements, amino acids, flavourings and antioxidants authorised by the legislation in force, with the added requirement that any antioxidants and flavourings used must be natural or nature-identical. The use of inactive brewer's yeast in food additive premixes is also permitted.

The sheep's basic diet consists of forage (fresh or preserved), feed and/or concentrates, at least 50 % of which must come from the area of origin defined in Article 3. At least 75 % of the dry matter of the fodder in the daily ration should come from feed produced in the milk production area identified in Article 3.

The fodder for both types of animal does not come entirely from the geographical area because, due to the progressive abandonment of farming and the geographical and climatic conditions, the area is not currently, nor cannot in the future be expected to be, able to satisfy the farms' entire needs for feed. As there is no possibility of replacing this with other top-quality fodder within the area, it is thus necessary to allow the use of fodder, concentrates and complementary feedingstuffs from outside the area. These products have high rates of degradation and solubility (feed with a particle size of less than 0.8 cm) and provide energy (mainly constituted of reserve carbohydrates such as starch) and readily available protein for the microbiome. As their role is limited to a physiological function in support of that microbiome, they have no impact on the characteristics of the milk and of the 'Casciotta d'Urbino'. The intake of a rich, fodder-based ration, with at least 75 % of the dry matter of the fodder in the daily ration produced in the area, contributes to the chemical and sensory characteristics of the raw material and of the finished product. It is thus an essential link between the raw material, the finished product and the territory.'

This amendment responds to the need to bring the product specification into line with Regulation (EU) No 1151/2012.

— Amendment of Article 2(a) of the current specification:

This Article now specifies that the milk may be raw or pasteurised. It also allows the option of using starter cultures. The sentence describing the stage following extraction of the curds has also been reworded.

The current wording reads:

The sheep and cow's milk is curdled at around 35 °C using liquid and/or powdered rennet. The cheeses must be manually pressed in suitable moulds, using the characteristic technique.

It is to be replaced by:

The raw or pasteurised sheep and cow's milk is curdled at around 35 °C using liquid and/or powdered rennet. Starter cultures may also be used. The curds must be placed in suitable moulds to press out the whey.

Since the current specification gives no indication as to whether the milk must be raw or heat-treated, it has been considered appropriate to specify (including so as to allow proper monitoring) that the milk used may be either raw or heat-treated. This has in fact always been the practice in the production of 'Casciotta d'Urbino'.

The general improvement in the microbiological characteristics of the milk obtained in recent years has led to a significant decrease in the bacteria present, which in some cases has caused problems in the coagulation and maturation stages. To overcome these potential problems, the specification now includes an option to use lactic starter cultures.

— Article 2(b) has been amended.

The current text reads:

'Cheesemakers may either dry-salt the cheeses or alternate between brining and dry-salting. The cheese must be left to mature for 20 to 30 days at a temperature of 10-14 °C and humidity of 80-90 %, depending on the size.

It is to be replaced by:

'Salting: Cheesemakers may either dry-salt or brine the cheeses. The cheese must be left to mature for 15 to 30 days at a temperature of 8-14 °C and humidity of 80-90 %, depending on the size.

The description of salting methods has been reworded, the minimum maturing time has been reduced from 20 to 15 days and the minimum maturing temperature has been reduced from 10 °C to 8 °C.

When the producers used the word 'alternate' in the specification, their intention was that these two options were to be 'alternatives', i.e. cheesemakers have a choice between the two options. It has therefore been decided to simplify the description of this production step in order to avoid any misconceptions.

Advances in technology adopted by cheesemakers over the years, including adaptations to comply with EU health and hygiene legislation, have improved the production process, so the standards laid down in the product specification for 'Casciotta d'Urbino' can be reached with a shorter maturing time.

The reduction in maturation temperatures was necessary because in recent years the use of more precise thermometers in the places where 'Casciotta d'Urbino' is matured has revealed the need to review this parameter to prevent non-compliance on a product with the characteristics of 'Casciotta d'Urbino'.

Link

The specification is also to include a specific article on the link, which until now has appeared only in the summary. The information from points (d) and (f) of the summary is therefore to be included in the specification as Article 6, entitled 'Link with the geographical area'. Some information has also been added as provided for by the EU Regulation.

The article to be inserted is as follows:

'Article 6

Link with the local area

The geographical link stems from the specific local soil and climate conditions, as well as the practice of farming, which is mainly carried out using the local pastures. The rational use of very degraded or degradable pastures prevents over-exploitation and improves the characteristics of the pastures by ensuring a greater agro-sylvo-pastoral balance. A contributing factor is the extensification of crop production which, in addition to ensuring the upkeep of agricultural and forestry land, characterises its composition, giving the milk and thus the cheese its characteristic aroma and flavour. Notable human factors include the cheese's historical presence and how it has spread throughout the defined area.

Specifically, sheep and cattle farming dates back as far as 1500, when this was favoured by the policies of the Dukes of Montefeltro and Rovere to restrict the practice of transhumance within their lands.

A great deal of evidence dating back to the Renaissance era attests to the historical presence of cheese in the defined area.

The product's specificity comes from its size, weight and heel height, which are closely linked to the use of terracotta and pottery moulds with a closed, convex bottom and a small hole for draining the whey, typical of the Urbania area.

Another very specific feature is the composition of the milk mixture used to produce the cheese (70 % sheep's milk and 30 % cows' milk)

The production practices, centuries-old traditions and the climate and environmental conditions give this product its specific organoleptic and commercial characteristics. 'Casciotta d'Urbino' has a thin rind, which typically takes on the colour of straw after maturation. When cut, it has a whitish straw colour paste, a soft and crumbly texture, and is characterised by a light scattering of eyes (known as 'buchini', which are formed as a result of the natural production of gas). As 'Casciotta d'Urbino' is not matured, it retains the flavours typical of fresh milk, which is particularly evident in its fresh and aromatic scent. 'Casciotta d'Urbino' has a sweet, full and pleasantly acidic taste, typical of sheep and cows' milk.

Labelling

The Article concerning how the product is to be labelled and marketed is to be extended (Article 3 of the current specification, Article 8 of the proposed specification). The specifications on the PDO logo, which until now were described in an annex, are now also to be included in the body of the product specification.

The current wording is as follows:

When released for consumption, cheese under the 'Casciotta d'Urbino' designation of origin must be labelled with the logo shown in Annex A (an integral part of this Decree) as a guarantee that it meets all relevant legal requirements.

This has been replaced by:

'Casciotta d'Urbino' PDO cheeses are released for consumption either whole or in portions.

An information label must be attached to one of the two flat sides of the marketed product.

As well as the product logo, the EU symbol and specific wording (as per EU rules), and the information required by law, this label must also state the following in clear and legible characters:

- 'Casciotta d'Urbino'; which must not be translated, followed either by the initials (DOP) (or PDO) or in full by the translatable wording 'Denominazione di Origine Protetta' (Protected Designation of Origin);
- the name, business name and address of the cheesemaker, maturing premises and packager.

The product may be sold vacuum-packed, either whole or in portions.

References to names, business names or brand names may be used provided these have no laudatory purport and are not misleading to the consumer. Other truthful and verifiable references that are permitted under current legislation may also be used, provided that they do not conflict with the purposes and content of this product specification.

The logo consists of a simple depiction of a wheel of cheese with a quarter-sized portion cut out. The cheese is coloured in two shades of straw yellow (pantone 102 and pantone 100) and outlined in blue (pantone Reflex Blue).

A swallow-tail ribbon in red (pantone 032) can be seen emerging from below the wheel of cheese.

The logo is topped by the words 'Casciotta d'Urbino' in a semi-circle (Futura Bold typeface in pantone Reflex Blue).

The logo may be adapted to different uses.



This improves the article by including information that makes it more comprehensive and easier for consumers to understand.

Other

— A specific article on the product name, not currently present in the specification, is to be added.

This article reads as follows:

'Article 1

The Protected Designation of Origin (PDO) 'Casciotta d'Urbino' may be used only for cheese that meets the conditions and requirements laid down in this product specification.'

— A specific article on the inspection body, not currently present in the specification, has been added.

This new article reads as follows:

'Article 7

Inspections

Pursuant to Regulation (EU) No 1151/2012, an inspection body checks that the product meets the requirements of the specification.

Inspections to check that the product meets the requirements of the specification are carried out by the Public Inspection Authority (APC) of the Marche Food and Farming Services Agency (ASSAM) (Via dell'Industria n. 1 I-60027 Osimo Stazione (Ancona, Italia), tel. +39 0718081, fax +39 07185979, email direzione@assam.marche.it).

This amendment responds to the need to bring the product specification into line with Regulation (EU) No 1151/2012.

— The articles of the specification have been renamed, and some articles on the inspection body have been inserted, hence the specification is now structured as follows:

Article 1 Name, Article 2 Characteristics of the product, Article 3 Area of production, Article 4 Proof of origin, Article 5 Method of production, Article 6 Link with the geographical area, Article 7 Inspections, Article 8 Packaging and labelling.

This amendment makes it possible to consolidate all the information required by the Regulation in the specification, making it more readable.

SINGLE DOCUMENT

‘Casciotta d’Urbino’

EU No: PDO-IT-0005-AM01 – 30.7.2018

PDO (X) PGI ()

1. Name(s) [of PDO or PGI]

‘Casciotta d’Urbino’

2. Member State or Third Country

Italy

3. Description of the agricultural product or foodstuff

3.1. Type of product

Class 1.3. Cheeses

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

When released for consumption, ‘Casciotta d’Urbino’ PDO has the following characteristics:

shape: a low cylindrical wheel of cheese with rounded sides;

Dimensions: 12-16 cm in diameter and 5-9 cm in height;

weight between 800 g and 1200 g depending on size;

external appearance: thin rind, around 1 mm thick, straw-coloured at the end of the maturing process;

paste: soft and crumbly internal consistency with a light scattering of eyes, presenting a whitish straw colour when cut;

taste: a mild taste, typical of the specific cheesemaking practices used;

fat in dry matter: not less than 45 %. The product is used as a table cheese.

Any substance permitted by the applicable rules may be used to coat the surface of the cheeses. This outer surface (rind) is not edible.

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

‘Casciotta d’Urbino’ is a cheese made from between 70 % and 80 % whole sheep’s milk, with whole cows’ milk making up the remaining 20-30 %.

The permitted breeds of sheep are: Sarda, Sopravvissana, Gentile di Puglia, Merino, Comisana, Massese, Vissana, Cornella White, Fabrianese, Delle Langhe, Lacaune, Assaf, Pinzirita and crosses of those breeds.

The cow’s milk is to be obtained from the Italian Friesian, Italian Brown, Italian Red Pied, Jersey and crosses of those breeds.

Livestock may be housed or kept at pasture.

At least 50 % of the basic feed – which consists of fodder (fresh or dried), feed or feed-concentrates – for the dairy cattle and fed to lactating cows, dry cows and heifers over 7 months old, must come from the area of origin defined in point 4. At least 75 % of the dry matter of the fodder in the daily ration must come from feed produced in the identified geographical area defined in point 4. The fodder allowed is: fresh fodder from permanent or temporary meadows, fodder crops, hay obtained from drying the crops in the field, straw from cereals, grass silage, chopped grass and hay silage. The feed allowed is: cereals and cereal products, corn mash, oilseeds and oilseed products, tubers and roots, dry fodder and products of the sugar industry such as molasses and/or derivatives, only as processing aids and flavours up to a limit of 2,5 % of dry matter in the daily ration. Also permitted are: legume seeds and dried locust beans and their derivatives, fats, mineral salts authorised by the legislation in force and additives such as vitamins, trace elements, amino acids, flavourings and antioxidants authorised by the legislation in force, with the added requirement that any antioxidants and flavourings used must be natural or nature-identical. The use of inactive brewer's yeast in food additive premixes is also permitted.

At least 50 % of the basic diet – forage (fresh or preserved), feed and/or concentrates – fed to sheep must come from the identified geographical area. At least 75 % of the dry matter of the fodder in the daily ration should come from feed produced in the milk production area defined in point 4.

The fodder for both types of animal does not come entirely from the geographical area because, due to the progressive abandonment of farming and the geographical and climatic conditions, the area is not currently, nor cannot in the future be expected to be, able to satisfy the farms' entire needs for feed. As there is no possibility of replacing this with other top-quality fodder within the area, it is thus necessary to allow the use of fodder, concentrates and complementary feedingstuffs from outside the area. These products have high rates of degradation and solubility (feed with a particle size of less than 0,8 cm) and provide energy (mainly constituted of reserve carbohydrates such as starch) and readily available protein for the microbiome. As their role is limited to a physiological function in support of that microbiome, they have no impact on the characteristics of the milk and of the 'Casciotta d'Urbino'. The intake of a rich, fodder-based ration, with at least 75 % of the dry matter of the fodder in the daily ration produced in the area, contributes to the chemical and sensory characteristics of the raw material and of the finished product. It is thus an essential link between the raw material, the finished product and the territory.

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

All the stages in the production process (rearing the cattle, milking, cheesemaking and maturing) must take place in the identified geographical area.

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

'Casciotta d'Urbino' PDO cheeses are released for consumption either whole or in portions. The product may be sold vacuum-packed, either whole or in portions.

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

An information label must be attached to one of the two flat sides of the marketed product.

As well as the product logo, the EU symbol and specific wording (as per EU rules), and the information required by law, this label must also state the following in clear and legible characters:

- 'Casciotta d'Urbino'; which must not be translated, followed either by the initials (DOP) (or PDO) or in full by the translatable wording 'Denominazione di Origine Protetta' (Protected Designation of Origin);
- the name, business name and address of the cheesemaker, maturing premises and packager.

References to names, business names or brand names may be used provided these have no laudatory purport and are not misleading to the consumer. Other truthful and verifiable references that are permitted under current legislation may also be used, provided that they do not conflict with the purposes and content of this product specification.

The logo consists of a simple depiction of a wheel of cheese with a quarter-sized portion cut out. The cheese is coloured in two shades of straw yellow (pantone 102 and pantone 100) and outlined in blue (pantone Reflex Blue).

A swallow-tail ribbon in red (pantone 032) can be seen emerging from below the wheel of cheese.

The logo is topped by the words 'Casciotta d'Urbino' in a semi-circle (Futura Bold typeface in pantone Reflex Blue).

The logo may be adapted to different uses.



4. Concise definition of the geographical area

'Casciotta d'Urbino' is made and matured within the province of Pesaro e Urbino, as well as in the municipalities of Novafeltria, Talamello, Sant'Agata Feltria, Casteldelci, Maiolo, San Leo and Pennabilli in the province of Rimini. This is also the area of origin of the milk used.

5. Link with the geographical area

The geographical link stems from the specific local soil and climate conditions, as well as the practice of farming, which is mainly carried out using the local pastures. Rational use of very degraded or degradable pastures prevents over-exploitation and improves the characteristics of the pastures by ensuring a greater balance between agriculture, forestry and pasture land. A contributing factor is the extensification of crop production which, in addition to ensuring the upkeep of agricultural and forestry land, characterises its composition, giving the milk and thus the cheese its characteristic aroma and flavour. Notable human factors include the cheese's historical presence and how it has spread throughout the defined area.

Specifically, sheep and cattle farming dates back as far as 1500, when this was favoured by the policies of the Dukes of Montefeltro and Rovere to restrict the practice of transhumance within their lands.

A great deal of evidence dating back to the Renaissance era attests to the historical presence of cheese in the defined area.

The product's specificity comes from its size, weight and heel height, which are closely linked to the use of terracotta and pottery moulds with a closed, convex bottom and a small hole for draining the whey, typical of the Urbania area.

Another very specific feature is the composition of the milk mixture used to produce the cheese (70 % sheep's milk and 30 % cows' milk)

The production practices, centuries-old traditions and the climate and environmental conditions give this product its specific organoleptic and commercial characteristics. 'Casciotta d'Urbino' has a thin rind, which typically becomes straw -coloured after maturation. When cut, it has a whitish straw-coloured paste, a soft and crumbly texture, and is characterised by a light scattering of eyes (known as 'buchini', which are formed as a result of the natural production of gas). As 'Casciotta d'Urbino' is not matured, it retains the flavours typical of fresh milk, which is particularly evident in its fresh and aromatic scent. 'Casciotta d'Urbino' has a sweet, full and pleasantly acidic taste, typical of sheep and cows' milk.

Reference to publication of the specification

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

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

or alternatively:

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

Publication of an application for approval of an amendment, which is not minor, to a product specification pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(2020/C 223/07)

This publication confers the right to oppose the amendment application pursuant to Article 51 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽¹⁾ within three months from the date of this publication.

APPLICATION FOR APPROVAL OF AN AMENDMENT TO THE PRODUCT SPECIFICATION OF PROTECTED DESIGNATIONS OF ORIGIN/PROTECTED GEOGRAPHICAL INDICATIONS WHICH IS NOT MINOR

Application for approval of an amendment in accordance with the first subparagraph of Article 53(2), of Regulation (EU) No 1151/2012

‘Peperone di Senise’

EU No: PGI-IT-1532-AM01 – 5.9.2019

PDO () PGI (X)

1. Applicant group and legitimate interest

Consorzio di Tutela del Peperone di Senise IGP

Contrada Mercato CO Casa Comunale, Snc

85038 Senise (Province of Potenza)

ITALIA

info@peperonediseniseigp.it

The Consorzio di Tutela del Peperone di Senise IGP (Association for the Protection of Peperone di Senise PGI) is entitled to submit an amendment application under Article 13(1) of Decree No 12511 of 14 October 2013 of the Ministry of Agricultural, Food and Forestry Policy.

2. Member State or third country

Italy

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

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

4. Type of amendment(s)

- ☐ Amendment to the product specification of a registered PDO or PGI not to be qualified as minor in accordance with the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

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

5. Amendments

Name of product

The name 'Peperone di Senise' should be changed to 'Peperoni di Senise'.

In point 3 of the summary sheet of 25 March 1996, the name 'Peperone di Senise' was entered instead of 'Peperoni di Senise' as it appears in both point (f) of the summary sheet and throughout the entire product specification for the name that Italy submitted in 1996 under the registration procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92.

The purpose of this amendment is to ensure that the two documents are consistent and to avoid confusion over the correct name to be used to describe this product.

Description of product

Article 6 of the product specification

1. The 'colour when ready for sale' for the three types of pepper ('pointed', 'truncate' and 'hooked'):

— 'green;

— 'purplish red;'

has been amended as follows:

'colour when ready for sale: from green to purplish red;'

The amendment takes into account the product's gradual change in colour from green to red as it ripens.

2. The following sentence:

'The dry product must be threaded:

— In strings ("serte")/garlands ("collane") of varying lengths ranging from 1,5 to 2,0 m, with pods (that are the same shape as the fresh peppers) arranged in a spiral with each pepper placed at an angle of approximately 120° to the next one. Water content must not exceed 10-12 % and the peppers must be a burgundy colour.'

has been amended as follows:

'The dry product must be threaded:

In strings ("serte")/garlands ("collane") of varying lengths up to a maximum of 2,0 m, with pods (that are the same shape as the fresh peppers) arranged in a spiral with each pepper placed at an angle to the next one. Water content must not exceed 18 % and the peppers must be a burgundy colour.'

This amendment is needed so that the product can be placed on the market in strings/garlands of shorter lengths (less than 1,5 metres) than those currently provided for, in order to meet specific market demands.

Water content has had to be increased because, as stipulated in the product specification, forced drying is not permitted. The climate, however, does not enable the 12 % moisture level to be maintained during certain periods of the year, meaning that, even though it was produced in accordance with the requirements of the product specification, the product could not be certified.

3. The dried product can also now be sold as follows:

'As individual pods, whole or stemless and seedless, with water content not exceeding 18 % and burgundy in colour.'

The amendment provides for the sale of 'Peperoni di Senise' as individual pods or without the stem or seeds. This amendment is aimed at meeting the demands of consumers who prefer to purchase the product in packs of individual peppers rather than as garlands/strings.

4. The sentence:

‘As fine “powder” produced by grinding the dried peppers that have been heated in an oven to remove their residual moisture.’

has been replaced by the following:

‘ground, made from dried peppers that may have been heated in an oven to remove their residual moisture.’

The sentence has been reworded to include the production of ground ‘Peperoni di Senise’ that is coarser than the powder version currently provided for, in order to meet specific market demands.

Point 3(b) of the summary sheet

5. The following text:

‘A particularly hardy plant, it adapted itself well to the soil and climatic conditions of Italy, especially those in the south, although dependent on the availability of water.’

has been moved to the relevant section of the Single Document (point (5)).

6. The following text:

‘The fruit of the Senise pepper is characterised by a thin wall and the low water content of the pericarp, which allows rapid drying through natural methods by direct exposure to sunlight.’

has been amended as follows:

“‘Peperoni di Senise’ are characterised by a thin wall and the low water content of the pericarp, which allows rapid drying through natural methods, by indirect exposure to sunlight or in ventilated rooms.’

The reference to the ‘fruit of the Senise pepper’ has been clarified by referring to it specifically as ‘Peperoni di Senise’ and the Single Document has been aligned with the amendment to Article 4(4) of the ‘Processing Procedure’ section of the product specification. The aim of the amendment, which respects the procedures for the natural drying of the product, is to prevent direct sunlight from damaging the pepper’s very thin and delicate skin.

7. The following text:

‘The processed product is found in “strings” or “garlands” of sun-dried fruits or in a fine “powder” obtained by grinding the dried fruits.’

has been amended as follows:

‘The processed product comes:

- into strings (“serte”)/garlands (“collane”) of varying lengths up to a maximum of 2 m, with pods (that have the same morphological characteristics as fresh Senise peppers) arranged in a spiral with each pepper placed at an angle to the next one. Water content must not exceed 18 % and the pods must be a burgundy colour.
- As individual pods, whole or stemless and seedless, with water content not exceeding 18 % and burgundy in colour.
- Ground, produced from dried peppers that have been heated in an oven to remove their residual moisture.’

The Single Document has been aligned with the amendment to the last paragraph of Article 6 in the product specification.

Method of production

Article 4

8. The following sowing and transplanting periods:

‘Sowing

period: between the last 10 days of February and the second ten-day period of March;

Transplanting

period: between the second ten-day period of May and the first 10 days of June;

have been amended as follows:

‘Sowing

period: February March

Transplanting

period: May – June;’

The amendments to the sowing and transplanting periods are linked to the climate changes that have occurred over the years. It should be noted that these changes do not affect the product’s organoleptic characteristics.

9. The following phrase concerning the transplanting method:

‘— in holes made with a wooden dibble;’

is hereby amended as follows:

‘— in holes made with a wooden dibble or other suitable transplanting tools’

The option of using innovative transplantation techniques has been added in order to obtain a product of the same quality, considerably reducing the problems that can be caused by manual transplanting and has no impact on the quality of the product itself.

10. The following plant spacing requirements:

‘— single row: rows that are 25–30 cm long with 70–80 cm between rows;

— twin-row: rows that are 35 cm long with 35 cm between the rows in the twin-row and 120 cm between two twin-rows;

— Sunken beds (rasole): rows that are 35 cm long with 40 cm between rows.’

have been amended as follows:

‘The peppers can be planted in single rows, twin-rows or in sunken beds (rasole) with or without mulch, with a minimum planting density of 30 000 plants per hectare and a maximum planting density of 57 000 plants per hectare.’

Planting distances have been dispensed with as they placed excessive constraints on cultivation and were onerous for farmers. The requirement to make sufficient investment has been added and a plant density bracket specified. Neither of these changes has any adverse impact upon the product characteristics. Finally, the new wording introduces the option of mulching for the purposes of improving pest control.

11. The following provision on the harvesting period:

‘harvesting period: from the first 10 days of August when the pods develop their distinctive purplish red colour;’

has been amended as follows:

‘harvesting period: from the moment the pods are ready for sale as described in Article 6, until the end of the plant’s cropping season.’

The reference to the first 10 days of August has been replaced with a reference to the peppers being ready for sale, to describe the harvesting period. The amendment is due to climatic variations that affect the plant’s production and harvesting period.

12. The following provision of the ‘Processing Procedure’ section:

‘The product must be harvested when fully ripe.’

has been amended as follows:

‘The product must be harvested from the moment the colour of the pods turns from green to red until they become fully ripe (purplish red).’

The option of harvesting the peppers before they are fully ripe is needed to prevent them from becoming overripe when stored. The pods do in fact continue to ripen after harvesting, reaching the same shade of red as when fully ripe.

13. The following provision of the ‘Processing Procedure’ section:

‘The peppers must be laid out on sheets of cloth or nets in dry and well-ventilated rooms for at least two to three days, away from the light.’

has been amended as follows:

‘The peppers may be kept in harvesting crates or laid out on nets in dry and well-ventilated premises for at least two to three days, away from the light.’

Harvesting crates are now used instead of sheets of cloth as a better guarantee of health and hygiene.

14. The following provision of the ‘Processing Procedure’ section:

‘Fine string must be threaded through each of the stems in sequence, with the pods arranged in a spiral with each pepper spaced at approximately 120° to the next one. This is how the distinctive garlands (“collane”)/strings (“serte”) are made.’

has been amended as follows:

‘The peppers may be dried:

1. by threading fine string through each of the stems in sequence, forming the distinctive garlands (“collane”)/strings (“serte”) of pods arranged in a spiral with each pepper placed at an angle to the next one;
2. by placing them directly on trellises.’

The processing procedure has been amended, removing ‘at approximately 120°’, a restriction which refers to the slanted spiral formation of the pods and is often difficult for operators to verify. The new wording makes it possible for individual peppers to be dried separately on trellises. This facilitates the subsequent steps involved in producing the dried product.

15. The following provision of the ‘Processing Procedure’ section:

‘The strings of peppers must be exposed to the sun until the water content reaches 10–12 %. They will then need to be placed in well-ventilated rooms.’

has been amended as follows:

‘Peppers on strings or in the form of individual whole pods must either be exposed to indirect sunlight or placed in well-ventilated drying rooms.’

The provision on drying, which requires direct exposure to sunlight until the water content reaches 10–12 %, is replaced with a provision requiring either indirect sun exposure or drying in well-ventilated rooms as a possible alternative. The purpose of the amendment is to prevent direct sunlight from damaging the pepper’s very thin and delicate skin.

It was necessary to remove the specification regarding the water content because, at certain times of the year, the climate does not enable moisture levels to be kept below 12 %. This variation does not affect the product’s organoleptic characteristics.

16. The following provisions of the ‘Processing Procedure’ section:

- After the drying stage, the peppers need to be heated in an oven to remove the residual moisture and facilitate milling.
- The product has to be milled into a powder.’

have been amended as follows:

‘Once the drying stage is over, the peppers to be ground can be heated in an oven in order to remove the residual moisture.’

The new wording makes heating in an oven optional, so that it is only done if the product contains excess moisture. In addition, references to the peppers being turned into powder through milling have been replaced by the more succinct term ‘grinding’, which is a technically more accurate term for describing how the product is processed.

Article 5

17. The paragraph:

‘Only the agronomic practices that give the product its unique characteristics are allowed in the cultivation of “Peperoni di Senise” with Protected Geographical Indication status.’

has been moved to the relevant article (Article 4).

18. The paragraph:

‘The regional inspection bodies and the Association for the Protection of “Peperoni di Senise” to be set up on the initiative of the Promotion Committee shall be responsible for verifying and checking:

- the shape of the pods referred to in Article 6;
- that the pericarp consists of 13–15 % dry matter.

The Association for the Protection of the product must, amongst other things:

- verify that agricultural holdings adhere to the product specification;
- provide “Peperoni di Senise” producers with the services and assistance needed to implement this product specification;
- keep the register of producers and collect data and information on “Peperoni di Senise”;
- promote and manage the trademark and plans for the regulation and scheduling of the protected production in order to safeguard its economic and commercial value and quality standards;
- carry out surveillance and supervision activities, in cooperation also with the authorities and bodies of the State, in order to prevent and suppress any infringements, irregularities and illegal acts committed to the detriment of “Peperoni di Senise”.

has been amended as follows:

‘Each stage in the production process is monitored, with all inputs and outputs being recorded. The traceability of the product is guaranteed this way, as well as by entering the cadastral parcels on which the peppers are grown, along with details of producers and packagers on lists kept for this purpose and managed by the inspection body. All natural and legal persons registered on the lists are subject to checks by the inspection body, in accordance with the terms of the product specification and the relevant inspection plan.’

The reference to the activities of the regional inspection bodies and the Association has been removed as these are not relevant to Article 7 of Regulation (EU) No 1151/2012. With the amendment, the paragraph has been reworded, replacing the previous text with a paragraph whose contents are in line with the provisions of Article 7(d) and Article 37 of the above Regulation. In this way, the new version of the product specification has been adjusted according to the provisions of the current legislation.

Link

The information in point (f) in the summary sheet, which determined the entry of the ‘Peperoni di Senise’ in the European Union’s PDO-PGI register, has been added to the product specification. This information has also been included in point 5 of the Single Document attached to this amendment request.

The following Article has been added:

“Peperoni di Senise” have a unique character which, due to the particular soil and environmental conditions of the production area, greatly differentiates them from other products of the same species, with characteristics of excellence and quality, namely the thin skin of the pods and the firmly attached stem.

From time immemorial the original production area of the “Peperoni di Senise” has been ideal for growing vegetables, being a well-irrigated area of ancient tradition and with soil and climatic conditions particularly suited to the requirements for pepper cultivation.

Therefore the Senise area is definitely one of the areas where pepper growing was successfully introduced long ago, and where the pepper plant adapted itself to the soil and environment, keeping much of the hardiness of the first “plants” brought into the area.

“Peperoni di Senise” have a very thin skin which makes for easy drying using natural methods that are specific to the production area and means that the pods are ideal for grinding. Another key characteristic is the stem which does not detach from the pod even after drying. This makes it possible to tie the fruits together to make the typical “garlands”.

Packaging

Article 7

19. The following text:

“Peperoni di Senise” must be placed on the market as follows:

Fresh: in wooden crates with a capacity of 12–15 kg.

Dried: in 1,5–2,0 m-long strings (garlands).

Processed: in 500 and 1 000 g opaque glass containers or in 50 and 100 g plastic-coated paper sachets, with a transparent window.’

has been amended as such:

“Peperoni di Senise” must be placed on the market as follows:

Fresh: in food packaging that meets the legal provisions in force.

Dried:

— in strings (garlands) of up to a maximum of 2,0 m in length.

— As individual pods, whole or stemless and seedless, in food packaging that meets the legal provisions in force.

Processed: Ground, in food packaging that meets the legal provisions in force.’

The amendment introduces new packaging provisions for the product, in fresh, dry and ground form, allowing packers to meet the varied market demand.

As regards the dry product, the new provisions also take into account the amendments to Article 6 of the product specification concerning the length of strings/garlands and the introduction of individual pods with or without stems and seeds as an additional product format.

The amended text also applies to point 3.5 of the Single Document.

Labelling

Article 9

1. The following sentence has been added as it already appears in the summary sheet with which the name was originally registered.

'The product marketed for consumption must bear the wording "Peperoni di Senise" I.G.P. [PGI], followed by the logo.'

2. Logo

As a result of new market needs, it was considered appropriate to change the image of the 'Peperoni di Senise' PGI logo to make it more innovative.

The logo is as follows:



The description and technical specifications necessary for the reproduction of the logo have been included in the product specification.

Amendments 20 and 21 also apply to point 3.6 of the Single Document.

Article 8

3. The inspection body's references to checks on compliance with the product specification have been clarified. The paragraph:

'Implementation of this product specification shall be supervised by the Ministry of Agricultural, Food and Forestry Resources, which may for the purposes of monitoring production and trade of "Peperoni di Senise" use the services of the producers' association in accordance with Article 10 of Regulation (EEC) No 2081/92.'

has been replaced as follows:

'Verification of compliance with the product specification is carried out in accordance with Article 37 of Regulation (EU) No 1151/2012. The inspection authority responsible for verifying the product specification is Agroqualità S.p. A. Viale Cesare Pavese, 305 I - 00144 Rome, Italy - Tel. +39 0654228675 - Fax +39 0654228692 - Email: agroqualita@agroqualita.it'

SINGLE DOCUMENT

'Peperoni di Senise'

EU No: PGI-IT-1532-AM01 – 5.9.2019

PDO () PGI (X)

1. Name(s)

'Peperoni di Senise'

2. Member State or third country

Italy

3. Description of the agricultural product or foodstuff

3.1. Type of product

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

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

The designation 'Peperoni di Senise' is produced from the cultivation of the *Capsicum annuum* pepper of the Solenaceae family native to the Americas.

The pepper population grown in Senise cannot be classified as any officially recognised cultivar but is a locally widespread ecotype.

'Peperoni di Senise' are characterised by a thin wall and the low water content of the pericarp, which allows rapid drying through natural methods, by indirect exposure to sunlight or in ventilated rooms.

The 'Peperoni di Senise' are marketed for consumption both fresh and processed.

The fresh product comes in the following types: 'pointed', 'truncate' and 'hooked'.

The processed product comes:

- in strings ('serte')/garlands ('collane') of varying lengths up to a maximum of 2,0 m, with pods (that are the same shape as the fresh peppers) arranged in a spiral with each pepper placed at an angle to the next one. Water content must not exceed 18 % and the peppers must be a burgundy colour.
- As individual pods, whole or stemless and seedless, with water content not exceeding 18 % and burgundy in colour.
- Ground, produced from dried peppers that may be heated in an oven to remove their residual moisture.

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

—

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

'Peperoni di Senise' are grown and processed within the geographical production area.

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

'Peperoni di Senise' must be placed on the market as follows:

Fresh: in food packaging that meets the legal provisions in force.

Dried:

- In strings (garlands) of up to a maximum of 2,0 m.
- As individual pods, whole or stemless and seedless, in food packaging that meets the legal provisions in force.
- Processed: Ground, in food packaging that meets the legal provisions in force.

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

The product marketed for consumption must bear the wording 'Peperoni di Senise' P.G.I., followed by the logo.

The logo:



Additional references to names, business names and agricultural holdings may be used, provided that the product always meets the requirements of this product specification and is not likely to mislead consumers.

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

The geographical indication production area includes the suitable areas of the municipalities of Senise, Francavilla S.S., Chiaromonte, Valsinni, Colobrarò, Tursi, Noepoli, S. Giorgio Lucano, Sant'Arcangelo, Roccanova, Montalbano Jónico and Craco.

5. **Link with the geographical area**

'Peperoni di Senise' have a unique character which, due to the particular soil and environmental conditions of the production area, greatly differentiates them from other products of the same species, with characteristics of excellence and quality, namely the thin skin of the pods and the firmly attached stem.

From time immemorial the original production area of the 'Peperoni di Senise' has been ideal for growing vegetables, being a well-irrigated area of ancient tradition and with soil and climatic conditions particularly suited to the requirements for pepper cultivation.

Therefore the Senise area is definitely one of the areas where pepper growing was successfully introduced long ago, and where the pepper plant adapted itself to the soil and environment, keeping much of the hardiness of the first 'plants' brought into the area.

'Peperoni di Senise' have a very thin skin which makes for easy drying using natural methods that are specific to the production area and means that the pods are ideal for grinding. Another key characteristic is the stem which does not detach from the pod even after drying. This makes it possible to tie the fruits together to make the typical 'garlands'.

Reference to publication of the product specification

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

The full text of the product specification is available on the following website: <http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3335>

Or alternatively:

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

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