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Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008

REGULATION (EU) No 1144/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 October 2014

on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 42 and 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Having regard to the opinion of the Committee of the Regions[(2)],

Acting in accordance with the ordinary legislative procedure[(3)],

Whereas:

(1) In accordance with Council Regulation (EC) No 3/2008[(4)], the Union may implement information provision and promotion measures in the internal market and in third countries for agricultural products and their production methods and for certain food products based on agricultural products.

(2) In view of the experience gained and the likely developments in the agricultural sector and on markets both inside and outside the Union, the scheme established by Regulation (EC) No 3/2008 should be reviewed and made more coherent and effective. Regulation (EC) No 3/2008 should therefore be repealed and replaced with a new regulation.

(3) The objective of such information provision and promotion measures is to enhance the competitiveness of the Union agricultural sector, thereby bringing about greater competitive equity both in the internal market and in third countries. More specifically, the information provision and promotion measures should aim to increase consumers' awareness of the merits of the Union's agricultural products and production methods and to increase the awareness and recognition of Union quality schemes. Moreover, they should increase the competitiveness and consumption of Union agricultural products, raise their profile both inside and outside the Union and increase the market share of those products, with a special focus on those markets in third countries that have the

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highest growth potential. In the event of serious market disturbance, loss of consumer confidence or other specific problems, those measures should help restore normal market conditions. Such information provision and promotion measures should usefully complement and reinforce the measures implemented by the Member States. In order to achieve their objectives, information provision and promotion measures should continue to be implemented both inside and outside the Union.

(4) Measures should also aim to enhance the authenticity of Union products so as to improve consumers' awareness of the qualities of genuine products as compared to imitations and counterfeit products; this would contribute significantly to awareness, both in the Union and in third countries, of the symbols, indications and abbreviations demonstrating participation in the European quality schemes established by Regulation (EU) No 1151/2012 of the European Parliament and of the Council[(5)].

(5) One of the Union's strengths in food production lies in the diversity of its products and in their specific characteristics which are linked to different geographical areas and different traditional methods and which provide unique flavours, offering the variety and authenticity that consumers increasingly look for, both inside and outside the Union.

(6) In addition to information on the intrinsic features of Union's agricultural and food products, the eligible measures may also communicate consumer-friendly messages, focusing, inter alia, on nutrition, taste, tradition, diversity and culture.

(7) Information provision and promotion measures should not be brand- or origin-oriented. Nevertheless, in order to improve the quality and effectiveness of demonstrations, tastings and information and promotion material, it should be possible to mention the commercial brands and product origin, provided that the principle of non-discrimination is respected and that the measures are not aimed at encouraging the consumption of any product on the sole ground of its origin. Furthermore, such measures should respect general principles of Union law and should not amount to a restriction of the free movement of agricultural and food products in breach of Article 34 of the Treaty on the Functioning of the European Union (TFEU). Specific rules should be laid down on the visibility of brands and origin in relation to the main Union message of a campaign.

(8) The Union mainly exports final agricultural products, including agricultural products not included in Annex I to the TFEU. The information provision and promotion measures should therefore be opened up to include certain products outside the scope of Annex I to the TFEU. This would be consistent with other schemes of the common agricultural policy (CAP), such as the European quality schemes, which are already open to such products.

(9) The Union's information provision and promotion measures relating to wine under the CAP represent one of the landmarks of the aid programmes available to the wine sector. Only wine with designation of origin or protected geographical indication status and wine carrying an indication of the wine grape variety should be the subject of the information provision and promotion measures. In the case of simple programmes, the programme in question should also cover another agricultural or food product. Similarly, Regulation (EU) No 508/2014 of the European Parliament and of the Council[(6)] provides for the promotion of fishery and aquaculture products.

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Consequently, the eligibility of fishery and aquaculture products listed in Annex I to Regulation (EU) No 1379/2013 of the European Parliament and of the Council[7], for the information provision and promotion measures provided for under this scheme should be limited exclusively to fishery and aquaculture products which are associated with another agricultural or food product.

(10) Products covered by Union quality schemes and quality schemes recognised by Member States should be eligible for information provision and promotion measures since such schemes provide consumers with assurances on the quality and characteristics of the product or the production process used, achieve added value for the products concerned and enhance their market opportunities. Similarly, the organic production method, as well as the logo for quality agricultural products specific to the outermost regions should be eligible for information provision and promotion measures.

(11) Over the period 2001-2011, only 30 % of the budget earmarked for information provision and promotion measures was spent on measures targeting third-country markets, even though those markets offer major growth potential. Arrangements are therefore needed in order to encourage a larger number of information provision and promotion measures for Union agricultural products in third countries, in particular by providing increased financial support.

(12) In order to guarantee the effectiveness of the information provision and promotion measures that are implemented, they should be developed in the context of information and promotion programmes. Such programmes have hitherto been submitted by trade and/or inter-trade organisations. In order to increase the number of measures proposed and to improve their quality, the range of beneficiaries should be widened to include producer organisations and their associations, groups and bodies of the agri-food sector which have as their objective and activity the provision of information on and the promotion of agricultural products.

(13) The information provision and promotion measures co-financed by the Union should demonstrate a specific Union dimension. To that end, and in order to avoid a dispersion of resources and to increase Europe's visibility through these information provision and promotion measures for agricultural products and certain food products, it is necessary to establish a work programme which defines the strategic priorities for these measures in terms of populations, products, schemes or markets to be targeted and the nature of the information and promotion messages to be imparted. The programme should be developed on the basis of the general and specific objectives established under this Regulation, and should take into account the possibilities offered by the markets and the need to complement and reinforce the actions implemented by Member States and operators, both in the internal market and in third countries, in order to ensure that promotion and information policy is cohesive. To this end, when designing that programme, the Commission should consult Member States and relevant stakeholders.

(14) The work programme should provide, inter alia, for specific arrangements in order to react in the event of serious market disturbance, loss of consumer confidence, or other specific problems. Additionally the Commission should take particular account of the predominant position of small and medium-enterprises in the agri-food sector, a sector

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which benefits from the exceptional measures provided for in Articles 219, 220 and 221 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council[8], and, for measures targeting third countries, of free-trade agreements falling within the scope of the common commercial policy of the Union. When designing that programme, the Commission should also take into account the handicaps of mountain areas, islands and outermost regions of the Union.

(15) In order to ensure that information provision and promotion measures are implemented effectively, they should be entrusted to implementing bodies selected through a competitive procedure. Nevertheless, in duly justified cases, proposing organisations should have the possibility to directly implement certain parts of their programme.

(16) The Commission should be able to carry out information and promotion measures on its own initiative, including high-level missions, particularly with a view to contributing to the opening-up of new markets. The Commission should also be able to conduct its own campaigns to provide a prompt and effective response in the event of serious market disturbance or loss of consumer confidence. If necessary, the Commission should revise its own initiatives that plan to implement such campaigns. Appropriations allocated to on-going information and promotion programmes, both simple or multi, should not be reduced in the event of action undertaken by the Commission under these circumstances.

(17) Over and above the information provision and promotion measures, the Commission needs to develop and coordinate technical support services at Union level with the aim of helping operators to take part in co-financed programmes, to conduct effective campaigns or to develop their export activities. Those services should in particular include the provision of guidelines to help potential beneficiaries to comply with the rules and procedures related to this policy.

(18) Efforts to promote Union products on third country markets are sometimes prejudiced by the competition they face from imitation and counterfeit products. The technical support services developed by the Commission would include advice for the sector with regard to protecting Union products from imitation and counterfeit practices.

(19) Simplification of the regulatory environment of the CAP is an important priority for the Union. Such an approach should also be applied to this Regulation. In particular, the principles of administrative management of information and promotion programmes should be reviewed with the aim of simplifying them and enabling the Commission to establish the rules and procedures applicable to the submission, evaluation and selection of proposals for programmes. The Commission should ensure, however, that Member States receive timely information on all programmes proposed and selected. That information should in particular include the number of proposals received, the Member States and sectors concerned, and the outcome of the evaluation of those proposals.

(20) Cooperation between economic operators in different Member States contributes greatly to increasing the Union added value and to highlighting the diversity of Union agricultural products. Despite the priority given to programmes developed jointly by proposing organisations in different Member States, such programmes accounted in the

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period 2001-2011 for only 16 % of the budget earmarked for information provision and promotion measures. Consequently, new arrangements should be introduced, particularly as regards the management of multi programmes, in order to overcome existing obstacles to their implementation.

(21) Financing rules should be set. As a general rule, in order to ensure that interested proposing organisations assume their share of the responsibilities, the Union should cover only part of the cost of programmes. However, certain administrative and staff costs, which are not linked to implementation of the CAP, form an integral part of information provision and promotion measures and should be eligible for Union funding.

(22) Each measure should be subject to monitoring and evaluation in order to improve its quality and demonstrate its achievements. In this context, a list of indicators should be determined and the impact of the promotion policy assessed in relation to its strategic objectives. The Commission should establish a monitoring and evaluation framework for this policy which is consistent with the common monitoring and evaluation framework of the CAP.

(23) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission. That empowerment should cover supplementing the list in Annex I to this Regulation, the criteria for determining the eligibility of proposing organisations, the conditions governing the competitive procedure for the selection of implementing bodies, the specific conditions for eligibility with regard to simple programmes, the costs of information provision and promotion measures and administrative and staff costs and provisions to facilitate the transition from Regulation (EC) No 3/2008 to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(24) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission concerning detailed rules on the visibility of commercial brands during product demonstrations or tastings and on information and promotion material, and on the visibility of the origin of products on information and promotion material; the annual work programmes; the selection of simple programmes; detailed rules under which a proposing organisation may be authorised to implement certain parts of a simple programme itself; the arrangements for implementation, monitoring and control of simple programmes; the rules concerning the conclusion of contracts for the implementation of simple programmes selected in accordance with this Regulation; and the common impact assessment framework for programmes, as well as a system of indicators. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(9)].