

**Proposal for a Council Regulation on information provision and promotion for agricultural products on the internal market**

(2000/C 365 E/24)

(Text with EEA relevance)

COM(2000) 538 final — 2000/0226(CNS)

(Submitted by the Commission on 8 September 2000)

THE COUNCIL OF THE EUROPEAN UNION,

committee of communication experts or to technical assistants.

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Whereas:

- (1) Under the sectoral provisions in force the Community can carry out promotional work on the internal market for a number of agricultural products.
  - (2) Given the outlook for the markets and the experience acquired, and in order to provide full information to consumers, a comprehensive and consistent information and promotion policy should be followed for agricultural products and in a subsidiary way for food products, on the same lines as provided for in regard to countries outside the Union, but with no encouragement to consumption of any product by reason of its specific origins.
  - (3) Such a policy will usefully supplement and reinforce the schemes run by Member States by boosting product image in consumers' eyes, in particular as regards the quality, nutritional value and safety of foodstuffs.
  - (4) Criteria should be set for selecting products and sectors concerned and the themes of the Community campaign.
  - (5) To ensure the consistency and effectiveness of programmes the essential elements of these should be defined for each product or sector by means of guidelines, supplemented by specifications to be drawn up by the Member States.
  - (6) Given the technical nature of the tasks to be performed the Commission should be able to have recourse to a
- (7) Financing rules must be set. As a general rule, so that proposing organisations and Member States assume their responsibilities, the Community should meet only part of the cost of measures. However, in exceptional cases it may be more suitable not to require any financial contribution from the relevant Member States. In the case of information on some Community schemes (product origin, organic production, labelling) financing shared between the Community and Member States is justified by the need to provide information to the public on these relatively recent schemes.
  - (8) To ensure the greatest cost-effectiveness, the implementation of measures should be entrusted, through appropriate procedures, to bodies with the necessary structure and expertise.
  - (9) Programme execution should be carefully monitored by Member States and the impact of measures assessed by an independent body.
  - (10) The necessary implementing measures for this Regulation will be adopted in accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>. These measures should be adopted using the management committee procedure provided for in Article 4 of that Decision. The management committees concerned will act jointly.
  - (11) Expenditure on the financing of measures and technical assistance should be classed as intervention expenditure under Article 1(2)(e) of Council Regulation (EC) No 1258/1999 <sup>(2)</sup>.
  - (12) The promotional measures contained in the sectoral regulatory provisions, differing in their rules of execution and variously amended, were difficult to apply. They should be standardised, simplified and incorporated in a single text. The sectoral provisions on promotion should therefore be repealed.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 103.

(13) Measures should be laid down for transition between the sectoral provisions and the new arrangements provided for in this Regulation,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. The Community may finance, wholly or in part, information provision and promotion for agricultural and food products carried out in its territory.

2. Measures as referred to in paragraph 1 must not be brand-oriented or incite to consumption of a product on grounds of its specific origin. This does not exclude the possibility of indicating the origin of a product covered by measures as referred to in Article 2 in the case of designations conferred under Community provisions.

#### Article 2

Measures as referred to in Article 1 shall comprise:

- (a) public relations work, promotion and advertising that draws attention to intrinsic features and advantages of Community products, notably quality, hygiene, safety, specific production methods, nutritional value, labelling, high animal welfare standards and respect for the environment;
- (b) participation in events, fairs and exhibitions of national or European importance, in particular with stands aimed at upgrading the image of Community products;
- (c) information provision notably on the Community protected designation of origin (PDO), protected geographical indication (PGI), traditional speciality guaranteed (TSG), organic production and labelling provided for in agricultural legislation;
- (d) information provision on the Community system covering quality wines produced in specified regions (quality wines psr), table wines and spirit drinks with geographical indication;
- (e) impact assessment of the measures carried out.

#### Article 3

The sectors and products to be covered by measures as referred to in Article 1 shall be determined with regard to:

- (a) the desirability of drawing attention to the quality, typical features, specific production method, nutritional value, hygiene, safety or environment-friendliness of the products in question, by means of thematic or target-specific campaigns;

(b) the implementation of a consumer information labelling system and of product traceability and control systems;

(c) the need to tackle short-term difficulties in individual sectors;

(d) the desirability of providing information on the Community PDO/PDI, TSG and organic production schemes;

(e) the desirability of providing information on the Community system covering quality wines psr, table wines and spirit drinks with geographical indication.

#### Article 4

1. Every three years the Commission shall, in accordance with the procedures laid down in Article 13, draw up a list of the themes and products referred to in Article 3. If necessary this can be modified in the interval through the same procedure.

2. Before drawing up the list referred to in paragraph 1 the Commission may consult the Standing Group on Agricultural Product Promotion of the Advisory Committee on Quality and Health in Agricultural Production.

#### Article 5

1. For each sector or product selected the Commission shall, in accordance with the procedure laid down in Article 13, adopt guidelines to which proposals for information and promotion programmes must conform.

2. These guidelines shall specify:

- (a) objectives and targets,
- (b) one or more themes to be the subject of the measures selected,
- (c) the types of action to be undertaken,
- (d) the duration of programmes,
- (e) the distribution, by market and type of measure, of the amount available for the Community's contribution to programmes.

#### Article 6

1. For measures as referred to in Article 2(a), (b) and (d) interested Member States shall, on the basis of the Commission's guidelines, draw up a specification and issue a call for proposals open to trade and inter-trade organisations in the Community.

2. In response to such calls for proposals, organisations as referred to in paragraph 1 that are representative of the sector(s) in question shall, in collaboration with an implementing body that they have selected by means of an invitation to tender, draw up an information and promotion programme of a maximum duration of 36 months. A programme may cover one or more Member States and may be from a European-level organisation or an organisation spanning one or more Member States. Programmes in the last category shall have priority.

3. Member States shall examine the suitability of each programme and its conformity and that of the proposed implementing body with the provisions of this Regulation, the guidelines and the relevant specification. They shall also verify that the programme offers value for money. They shall then draw up a provisional list of programmes and bodies selected (within the limit of available funds) and undertake to contribute to financing these programmes.

4. Member States shall send the Commission a provisional list of programmes and bodies selected and copies of the programmes.

If the Commission finds that a programme is not in line with Community rules or the guidelines, it shall within a time limit to be determined notify the Member State(s) concerned of the ineligibility of all or part of that programme.

Member States shall take account of any observations made by the Commission within the set time limit. On its expiry they shall draw up and immediately send the Commission a final list of selected programmes.

#### Article 7

1. For measures as referred to in Article 2(c) each interested Member State shall, on the basis of the Commission guidelines, draw up its specification and select through a public call for tenders the implementing body for the programme it undertakes to part-finance.

2. It shall send the Commission the chosen programme accompanied by a reasoned opinion on its suitability, its conformity and that of the proposed body with the provisions of this Regulation and the guidelines, and its value for money.

3. For the purposes of the Commission's examination of programmes and their final approval by Member States the second and third subparagraphs of Article 6(4) shall apply.

#### Article 8

1. For drawing up the guidelines referred to in Article 5 the Commission may call on the assistance of a committee of independent communication experts or on technical assistants.

2. The Commission shall use an open or restricted call for tenders to select:

— technical assistants as referred to in paragraph 1,

— the body(ies) charged with assessing the impact of measures implemented pursuant to Articles 6 and 7.

#### Article 9

1. The Community shall finance:

(a) in full, measures as referred to in Article 2(e);

(b) in part, the other information and promotion measures referred to in Article 2.

2. The Community's contribution to measures as referred to in paragraph 1(b) may not exceed 50 % of their actual cost.

3. Without prejudice to paragraph 4, Member States shall for 20 % of the actual cost of measures as referred to in paragraph 2, the rest of the financing falling to the proposing organisations. The payments made by Member States and trade or inter-trade organisations may come from parafiscal charges.

However, where justified and provided that the programme is of manifest Community interest, it may be decided, in accordance with the procedure laid down in Article 13, that the proposing organisation will be responsible for all the financing not supplied by the Community.

4. For measures as referred to in Article 2(c) Member States shall be responsible for the financing not supplied by the Community.

Member States' payments may come from parafiscal charges.

#### Article 10

1. The body or bodies entrusted with implementing the measures referred to in Article 6(1) and 7(1) must have expertise in the products and markets concerned and have the necessary resources for highly effective implementation, having due regard to the programme's European dimension.

2. Member States will be responsible for surveillance and payments in the case of all measures other than those referred to in Article 9(1)(a).

#### Article 11

Community financing of measures as referred to in Article 1 shall be held to fall under Article 1(2)(e) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy.

#### Article 12

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 13.

#### Article 13

1. For the implementation of this Regulation the Commission shall be assisted by the Management Committee for Oils and Fats set up under Article 37 of Regulation No 136/66/EEC<sup>(1)</sup> and by the management committees set up under the corresponding articles of the other regulations on the common organisation of agricultural markets (hereinafter called 'the Committee').

2. In cases where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC shall apply.

3. The period mentioned in Article 4(3) of Decision 1999/468/EC shall be one month.

4. Matters shall be referred to the Committee by its Chairman on his own initiative or at the request of a Member State.

#### Article 14

Every three years, for the first time before 31 December 2004, the Commission shall send the Council and the European Parliament a report on the application of this Regulation accompanied by any appropriate proposals.

#### Article 15

1. The following provisions are withdrawn:

— Article 11 of Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats<sup>(2)</sup>,

— Article 2 of Regulation (EEC) No 1308/70 on the common organisation of the market in flax and hemp<sup>(3)</sup>,

— Article 20(4) of Regulation (EEC) No 3763/91 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments<sup>(4)</sup>,

— Articles 1 and 2 of Regulation (EEC) No 1332/92 introducing specific measures for table olives<sup>(5)</sup>,

<sup>(1)</sup> OJ 172, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ 172, 30.9.1966, p. 3025/66.

<sup>(3)</sup> OJ L 146, 4.7.1970, p. 1.

<sup>(4)</sup> OJ L 356, 24.12.1991, p. 1.

<sup>(5)</sup> OJ L 145, 27.5.1992, p. 1.

— Article 31(4) of Regulation (EEC) No 1600/92 concerning specific measures for the Azores and Madeira relating to certain agricultural products<sup>(6)</sup>,

— Article 26(4) of Regulation (EEC) No 1601/92 concerning specific measures for the Canary Islands with regard to certain agricultural products<sup>(7)</sup>,

— the second indent of the second paragraph of Article 1 and the second subparagraph of Article 2(1) of Regulation (EC) No 399/94 concerning specific measures for dried grapes<sup>(8)</sup>,

— Article 54 of Regulation (EC) No 2200/96 on the common organisation of the market in fruit and vegetables<sup>(9)</sup>,

— Article 35(5) of Regulation (EC) No 1493/1999 on the common organisation of the market in wine<sup>(10)</sup>.

The words 'and the promotion' and '(d) and (e)' are deleted from the first paragraph of Article 1 and Article 2(2) respectively of Regulation (EC) No 399/94.

2. Regulations (EEC) No 1195/90 on measures to increase the consumption and utilisation of apples<sup>(11)</sup>, (EEC) No 1201/90 on measures to increase the consumption of citrus fruit<sup>(12)</sup>, (EEC) No 2067/92 on measures to promote and market quality beef and veal<sup>(13)</sup>, (EEC) No 2073/92 on promoting consumption in the Community and expanding the markets for milk and milk products<sup>(14)</sup>, (EC) No 2275/96 introducing specific measures for live plants and floricultural products<sup>(15)</sup> and (EC) No 2071/98 on publicity measures on the labelling of beef and veal<sup>(16)</sup> are repealed.

3. The provisions, terms and regulations specified in paragraphs 1 and 2 shall remain applicable to promotion and information programmes begun before 1 January 2001.

#### Article 16

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 2001.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

<sup>(6)</sup> OJ L 173, 27.6.1992, p. 1.

<sup>(7)</sup> OJ L 173, 27.6.1992, p. 13.

<sup>(8)</sup> OJ L 54, 25.2.1994, p. 3.

<sup>(9)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(10)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(11)</sup> OJ L 119, 11.5.1990, p. 53.

<sup>(12)</sup> OJ L 119, 11.5.1990, p. 65.

<sup>(13)</sup> OJ L 215, 30.7.1992, p. 57.

<sup>(14)</sup> OJ L 215, 30.7.1992, p. 67.

<sup>(15)</sup> OJ L 308, 29.11.1996, p. 7.

<sup>(16)</sup> OJ L 265, 30.9.1998, p. 2.