

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

CHAPTER II

IMPLEMENTATION OF INFORMATION PROVISION AND PROMOTION MEASURES

SECTION I

Common provisions

Article 6

Types of actions

- 1 Information provision and promotion measures shall take the form of:
 - a information and promotion programmes ('programmes'), and
 - b the measures on the initiative of the Commission referred to in Article 9.
- 2 Programmes shall consist of a coherent set of operations and shall be implemented over a period of at least one but not more than three years.
- 3 Simple programmes, further details of which are provided in Section 2 of this Chapter, may be submitted by one or more of the proposing organisations referred to in points (a), (c) or (d) of Article 7(1), which shall all be from the same Member State.
- 4 Multi programmes, further details of which are provided in Section 3 of this Chapter, may be submitted by:
 - a at least two proposing organisations referred to in points (a), (c) or (d) of Article 7(1), which shall all be from at least two Member States; or
 - b one or more Union organisations referred to in point (b) of Article 7(1).

Article 7

Proposing organisations

- 1 A programme may be proposed by:
 - a trade or inter-trade organisations, established in a Member State and representative of the sector or sectors concerned in that Member State, and in particular the interbranch organisations as referred to in Article 157 of Regulation (EU) No 1308/2013 and groups as defined in point 2 of Article 3 of Regulation (EU) No 1151/2012, provided that they are representative for the name protected under the latter Regulation which is covered by that programme;
 - b trade or inter-trade organisations of the Union representative of the sector or sectors concerned at Union level;

- c producer organisations or associations of producer organisations, as referred to in Articles 152 and 156 of Regulation (EU) No 1308/2013 that have been recognised by a Member State;
- d agri-food sector bodies the objective and activity of which is to provide information on, and to promote, agricultural products and which have been entrusted, by the Member State concerned, with a clearly defined public service mission in this area; those bodies must have been legally established in the Member State in question at least two years prior to the date of the call for proposals referred to in Article 8(2).

2 The Commission shall be empowered to adopt delegated acts, in accordance with Article 22, setting out the specific conditions under which each of the proposing organisations, groups and bodies referred to in paragraph 1 may submit a programme. Those conditions shall, in particular, guarantee that those organisations, groups and bodies are representative and that the programme is on a significant scale.

Article 8

Annual work programme

1 The Commission shall adopt implementing acts, laying down for each year an annual work programme setting out the operational objectives to be pursued, the operational priorities, the expected results, the method of implementation and the total amount of the financing plan. That annual work programme, and in particular its operational priorities, shall comply with the general and specific objectives set out in Article 2. In particular, the programme shall provide for specific temporary arrangements to react to serious market disturbance, loss of consumer confidence or other specific problems as referred to in point (e) of Article 2(2). It shall also contain the main evaluation criteria, a description of the measures to be financed, an indication of the amounts allocated to each type of measure, an indicative implementation timetable and, in the case of grants, the maximum rate of the Union's financial contribution. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

2 The work programme referred to in paragraph 1 shall be implemented, for simple and multi programmes, through the publication by the Commission of calls for proposals in accordance with Title VI of Part I of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council⁽¹⁾.

Article 9

Measures on the initiative of the Commission

1 The Commission may carry out information and promotion measures as described in Article 3, including campaigns, in the event of serious market disturbance, loss of consumer confidence or other specific problems referred to in point (e) of Article 2(2). Those measures may in particular take the form of high-level missions, participation in trade fairs and exhibitions of international importance by means of stands, or operations aimed at enhancing the image of Union products.

2 The Commission shall develop technical support services, in particular with a view to:

- a encouraging awareness of different markets, including by means of exploratory business meetings;

- b maintaining a dynamic professional network around information and promotion policy, including providing advice to the sector with regard to the threat of imitation and counterfeit products in third countries; and
- c improving knowledge of Union rules concerning programme development and implementation.

Article 10

Prohibition on double funding

Information provision and promotion measures financed under this Regulation shall not be the subject of any other financing under the Union's budget.

SECTION 2

Implementation and management of simple programmes

Article 11

Selection of simple programmes

1 The Commission shall evaluate and select proposals for simple programmes received in response to the call for proposals referred to in Article 8(2). The Commission shall be empowered to adopt delegated acts in accordance with Article 22 laying down the specific conditions for eligibility with regard to simple programmes.

2 The Commission shall adopt implementing acts, determining the simple programmes selected, any changes to be made to them, and the corresponding budgets. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

Article 12

Information on the selection of simple programmes

The Commission shall provide the Committee referred to in Article 23, and thereby the Member States with timely information on all the programmes that are proposed or selected.

Without prejudice to Regulation (EU, Euratom) No 966/2012, the Commission shall in particular provide:

- (a) information concerning the number of proposals received, the Member States in which the proposing organisations are established, the sectors involved and the market or markets targeted;
- (b) information concerning the outcome of the evaluation of the proposals and a summary description thereof.

Article 13

Bodies responsible for implementing simple programmes

1 After a competitive procedure has been duly carried out, the proposing organisation shall choose the bodies that will implement simple programmes that have been selected, with a view, in particular, to ensuring that measures are implemented effectively.

The Commission shall be empowered to adopt delegated acts, in accordance with Article 22, setting out the conditions governing the competitive procedure for the selection of the implementing bodies referred to in the first subparagraph.

2 By way of derogation from paragraph 1, a proposing organisation may implement certain parts of a programme itself, subject to conditions relating to the proposing organisation's experience in implementing such measures, the cost of such measures in relation to normal market rates and the share of the total cost accounted for by the part of the programme implemented by the proposing organisation.

The Commission shall adopt implementing acts laying down the detailed rules under which the proposing organisation may be authorised to implement certain parts of the programme itself. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

Article 14

Implementation, monitoring and control of simple programmes

1 The Member States concerned shall be responsible for the proper implementation of the simple programmes selected in accordance with Article 11 and for the relevant payments. The Member States shall ensure that information and promotional material produced in the context of these programmes complies with Union law.

The Commission shall adopt implementing acts laying down the arrangements for implementation, monitoring and control and the rules relating to the conclusion of contracts for the implementation of the simple programmes selected under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

2 The Member States shall ensure the implementation of, and shall monitor and control, simple programmes in accordance with Regulation (EU) No 1306/2013 of the European Parliament and of the Council⁽²⁾ and in accordance with the implementing acts to be adopted pursuant to paragraph 1.

Article 15

Financial provisions relating to simple programmes

1 The Union's financial contribution to simple programmes in the internal market shall be 70 % of the eligible expenditure. The Union's financial contribution to simple programmes in third countries shall be 80 % of the eligible expenditure. The remaining expenditure shall be borne exclusively by the proposing organisations.

2 The percentages referred to in paragraph 1 shall be increased to 85 % in the event of serious market disturbance, loss of consumer confidence or other specific problems referred to in point (e) of Article 2(2).

3 By way of derogation from paragraphs 1 and 2, for proposing organisations established in Member States receiving on or after 1 January 2014 financial assistance in accordance with Article 136 and 143 TFEU, the percentages referred to in paragraph 1, shall be 75 % and 85 % respectively, and the percentage referred to in paragraph 2 shall be 90 %.

The first subparagraph shall only apply to those programmes decided upon by the Commission before the date from which the Member State concerned no longer receives such financial assistance.

4 Studies to evaluate the results of promotional and information measures in accordance with the common framework referred to in Article 25 shall be eligible for Union financing under conditions similar to those governing the simple programme in question.

5 The Union shall finance in full the expert fees linked to the selection of programmes pursuant to point (a) of Article 4(2) of Regulation (EU) No 1306/2013.

6 In order to ensure the proper implementation of simple programmes, proposing organisations shall provide guarantees.

7 The Union shall finance information provision and promotion measures implemented on the basis of simple programmes pursuant to point (c) of Article 4(1) of Regulation (EU) No 1306/2013.

8 The Commission shall be empowered to adopt delegated acts, in accordance with Article 22, concerning the specific conditions under which costs of information provision and promotion measures, and, where necessary, administrative and staff costs, are eligible for Union funding.

SECTION 3

Implementation and management of multi programmes and measures implemented on the initiative of the commission

Article 16

Types of financing

1 Financing may take one or more of the forms provided for by Regulation (EU, Euratom) No 966/2012, including:

- a grants for multi-programmes;
- b contracts for the measures implemented on the initiative of the Commission.

2 The Union shall finance information provision and promotion measures implemented on the basis of multi programmes or on the initiative of the Commission pursuant to point (a) of Article 4(2) of Regulation (EU) No 1306/2013.

Article 17

Evaluation of multi programmes

The proposals for multi programmes shall be evaluated and selected on the basis of the criteria announced in the call for proposals referred to in Article 8(2).

Article 18

Information on the implementation of multi programmes

The Commission shall provide the Committee referred to in Article 23, and thereby the Member States, with timely information on all the programmes that are proposed or selected.

Article 19

Financial provisions relating to multi programmes

1 The Union's financial contribution to multi programmes shall be 80 % of the eligible expenditure. The remaining expenditure shall be borne exclusively by the proposing organisations.

2 The percentage referred to in paragraph 1 shall be increased to 85 % in the event of serious market disturbance, loss of consumer confidence or other specific problems referred to in point (e) of Article 2(2).

3 By way of derogation from paragraphs 1 and 2, for proposing organisations established in Member States receiving on or after 1 January 2014 financial assistance in accordance with Article 136 and 143 TFEU, the percentages referred to in paragraphs 1 and 2 shall be 85 %, and 90 % respectively.

The first subparagraph shall only apply to those programmes decided upon by the Commission before the date from which the Member State concerned no longer receives such financial assistance.

Article 20

Procurement with regard to measures implemented on the initiative of the Commission

Any procurement effected by the Commission in its own name or jointly with Member States shall be subject to the procurement rules set out in Regulation (EU, Euratom) No 966/2012 and Commission Delegated Regulation (EU) No 1268/2012⁽³⁾.

Article 21

Protection of the financial interests of the Union

1 The Commission shall take appropriate measures to ensure that, when measures financed under this section are implemented, the financial interests of the Union are protected by

the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.

2 The Commission or its representatives and the Court of Auditors shall have the power to audit, on the basis of documents and on-the-spot, all grant beneficiaries, contractors and subcontractors who have received Union funds.

3 The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁽⁴⁾ and Council Regulation (Euratom, EC) No 2185/96⁽⁵⁾ in order to establish whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract relating to Union funds.

4 Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of a programme under this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.

Status: This is the original version (as it was originally adopted).

- (1) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ([OJ L 298, 26.10.2012, p. 1](#)).
- (2) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ([OJ L 347, 20.12.2013, p. 549](#)).
- (3) Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union ([OJ L 362, 31.12.2012, p. 1](#)).
- (4) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 ([OJ L 248, 18.9.2013, p. 1](#)).
- (5) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ([OJ L 292, 15.11.1996, p. 2](#)).