

Commission Implementing Regulation (EU) 2015/1831 of 7  
October 2015 laying down rules for application of Regulation (EU)  
No 1144/2014 of the European Parliament and of the Council on  
information provision and promotion measures concerning agricultural  
products implemented in the internal market and in the third countries

CHAPTER II

**COMMON PROVISIONS FOR SIMPLE AND MULTI PROGRAMMES**

*SECTION 2*

**Visibility of brands**

*Article 5*

**General requirements**

1 Brands as referred to in Article 4 of Regulation (EU) No 1144/2014 shall be understood as trade-marks as defined in Articles 4 and 66 of Council Regulation (EC) No 207/2009<sup>(1)</sup> or in Article 2 of Directive 2008/95/EC of the European Parliament and of the Council<sup>(2)</sup>.

2 Brands of promoted products of the proposing organisations shall only be visible during demonstrations and tastings.

The following definitions shall apply:

- a 'demonstrations' means all means of demonstrating the merits of a product or a scheme to a prospective customer to encourage the purchase of the product during fairs or business-to-business events and on websites;
- b 'tastings' means any activity where a product can be tasted by a prospective customer during fairs or business-to-business events and on point of sales.

3 Brands may also be visible on the information and promotional material displayed or distributed during demonstrations and tastings.

4 The proposing organisations displaying brands shall comply with the following conditions:

- a they shall justify in the programme application why the mention of brands is necessary to meet the objectives of the campaign and confirm that the display of brands is limited to demonstrations and tastings;
- b they shall keep evidence that all members of the proposing organisation concerned have been given an equal opportunity to display their brands;
- c they shall ensure that:
  - (i) brands are displayed together in an equally visible manner, in an area separate from that devoted to the main Union message;
  - (ii) the display of brands does not weaken the main Union message;

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*Status: Point in time view as at 31/01/2020.*

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- (iii) the main Union message is not obscured by the display of branded material such as pictures, colours, symbols;
- (iv) the display of brands is limited to visual material excluding gadgets and mascots, in a smaller format than the main Union message. No mention of brands shall be made in audio material.

### *Article 6*

#### **Specific requirements**

- 1 During demonstrations and tastings, brands may only be displayed:
  - a together in a banner located on the front of the counter of the stand or equivalent support. That banner shall not exceed 5 % of the total surface area of the front of the counter of the stand or equivalent support; or
  - b individually, in separate and identical booths in a neutral and identical way, on the front of the counter of the booth or equivalent support for each brand. In that case, the display of the brand name shall not exceed 5 % of the total surface area of the front of the counter of the booth or equivalent support.
- 2 For websites, brands may only be displayed together in either of the following two ways:
  - a in a banner located at the bottom of the webpage, which shall not exceed 5 % of the total surface area of the webpage, where each brand shall be smaller than the emblem of the Union referring to the co-financing of the Union;
  - b on a dedicated webpage distinct from the home page, in a neutral and identical way for each brand.
- 3 For the printed material distributed during demonstrations or tastings, brands may only be displayed together in one banner at the bottom of the page which shall not exceed 5 % of the total surface area of that page.

### *Article 7*

#### **Number of brands to be displayed**

- 1 A minimum of five brands shall be displayed.
- 2 By way of derogation from paragraph 1, less than five brands may be displayed provided that the following two conditions are fulfilled:
  - a there are fewer brands from the Member State of origin of the proposing organisation for the product or scheme subject of the programme;
  - b for duly justified reasons, it has not been possible to organize a multi-product or multi-country programme permitting more brands to be displayed.
- 3 The fulfilment of the conditions referred to in paragraph 2 shall be duly justified by the proposing organisation and supported by all necessary documents, including evidence that other proposing organisations were contacted and a proposal was made to them by the proposing organisation concerned that they should together establish a multi-product or multi-country programme and reasons why such a programme was not achieved.

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4 Where less than five brands are displayed, the rules set out in Article 6 shall apply and the surface area allocated to brands shall be reduced proportionally.

#### *Article 8*

#### **Mention of schemes eligible under point (d) of Article 5(4) of Regulation (EU) No 1144/2014 which are registered as a trade mark**

Where the programme concerns a scheme as referred to in point (d) of Article 5(4) of Regulation (EU) No 1144/2014, Articles 5, 6 and 7 shall not apply to the names and logos of those schemes which are registered as trademarks.

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- (1) Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark ([OJ L 78, 24.3.2009, p. 1](#)).
- (2) Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks ([OJ L 299, 8.11.2008, p. 25](#)).

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