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**COUNCIL REGULATION (EC) No 2702/1999
of 14 December 1999**

on measures to provide information on, and to promote, agricultural products in third countries

(OJ L 327, 21.12.1999, p. 7)

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**COUNCIL REGULATION (EC) No 2702/1999****of 14 December 1999****on measures to provide information on, and to promote, agricultural products in third countries**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission ⁽¹⁾,Having regard to the Opinion of the European Parliament ⁽²⁾,Having regard to the Opinion of the Economic and Social Committee ⁽³⁾,

Whereas:

- (1) Under current legislation the Community can conduct promotional measures in third countries for a limited number of agricultural products; the results so far have been very encouraging;
- (2) In view of the experience gained, the prospects for market growth both within and outside the Community and the new context of international trade, a consistent overall policy needs to be developed towards information and promotion on the markets of third countries;
- (3) Such a policy can usefully supplement and strengthen the measures undertaken by the Member States, especially by promoting the image of Community products on international markets as regards food quality and safety in particular; this activity, by helping to open up new markets, is also likely to have a multiplier effect on national and private initiatives;
- (4) The selection criteria for the products involved and markets must be identified; however, products qualifying for export refunds are not excluded from the system;
- (5) As a general rule, the Commission should provide only part of the requisite funding, so that the proposer organisations and Member States concerned can share the responsibility; however, in exceptional cases it may be appropriate not to require a financial contribution from the Member State concerned;
- (6) Provision should be made whereby the Commission of the European Communities, through the appropriate procedures, can delegate implementation of the measures to bodies with the necessary facilities and skills;
- (7) In view of the experience gained and the results achieved by the International Olive Oil Council in its promotional activities, provision should, however, be made to continue delegating to it measures falling within its sphere of responsibility; it should also be possible to seek the assistance of similar international organisations for other products;

⁽¹⁾ OJ C 32, 6.2.1999, p. 12.

⁽²⁾ OJ C 219, 30.7.1999

⁽³⁾ OJ C 169, 16.6.1999, p. 8.

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- (8) To monitor the proper conduct of the programmes and the impact of the measures, provision should be made for effective monitoring by the Commission and the Member States and for evaluation of the results by an independent body;
- (9) As a result, Regulations (EC) No 136/66/EEC ⁽¹⁾, (EEC) No 1308/70 ⁽²⁾ and (EC) No 2275/96 ⁽³⁾ should be amended;
- (10) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾, and it is appropriate therefore that those measures be adopted under the management procedure laid down in Article 4 of the said Decision. In this context the management committees concerned will act jointly,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community may fund, in whole or in part, measures in third countries that provide information on, or promote, agricultural products and food products.
2. The measures referred to in paragraph 1 shall not be directed towards particular brand names, nor shall they favour the products of any one Member State.

Article 2

The measures referred to in Article 1 shall be:

- (a) public relations, promotional or publicity measures, in particular highlighting the advantages of Community products, especially in terms of quality, hygiene, food safety, nutrition, labelling, animal welfare or environment-friendliness;
- (b) participation at events, fairs or exhibitions of international importance, especially through the provision of Community exhibition stands;

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- (c) information campaigns, in particular on the Community systems covering protected designations of origin (PDOs), protected geographical indications (PGIs), guaranteed traditional specialities (GTSs) and organic production, as well as other Community regimes concerning quality standards and labelling for agricultural products and foodstuffs, and graphic symbols laid down in the relevant Community legislation;

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- (d) information campaigns on the Community system of quality wines produced in specified regions (QWPSR), table wines and spirit drinks with a geographical indication;
- (e) studies of new markets, necessary for the expansion of market outlets;

⁽¹⁾ Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats (OJ L 172, 30.9.1966, p. 3025). Regulation as last amended by Regulation (EC) No 1638/98 (OJ L 210, 28.7.1998, p. 32).

⁽²⁾ Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organisation of the market in flax and hemp (OJ L 146, 4.7.1970, p. 1). Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31.12.1994, p. 105).

⁽³⁾ Council Regulation (EC) No 2275/96 of 22 November 1996 introducing specific measures for live plants and floricultural products (OJ L 308, 29.11.1996, p. 7).

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

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- (f) high-level trade visits;
- (g) studies to evaluate the results of the promotional and information measures.

Article 3

The following products in particular shall be eligible for the measures referred to in Article 1:

- (a) products intended for direct consumption or processing for which export opportunities or potential new market outlets in third countries exist, especially where export refunds will not be required;
- (b) typical or quality products displaying high added value.

Article 4

In choosing the third countries in which the measures referred to in Article 1 will be carried out, account shall be taken of the markets of countries where there is actual or potential demand.

▼M1*Article 5*

1. In accordance with the procedure referred to in Article 12(2), the Commission shall draw up every two years a list of the products and markets referred to in Articles 3 and 4 respectively.

However, this list may be amended in the interim, if necessary.

2. In accordance with the procedure referred to in Article 12(2), the Commission may adopt guidelines defining details concerning the strategy to be followed in the proposals for information and promotion campaigns for certain or all of the products referred to in paragraph 1.

▼B*Article 6*

Where measures are decided on in particular for the olive oil and table olive sector, the Community may carry them out through the International Olive Oil Council.

In the case of other sectors, the Community may seek the help of international organisations offering similar guarantees.

▼M1*Article 7*

1. To carry out the measures referred to in Article 2(a), (b), (c), (d) and (e) and subject to Article 6, the professional and/or interprofessional organisation(s) representing the sector(s) in one or more Member States or at Community level shall draw up proposals for promotion and information programmes lasting no longer than three years.

Member States shall draw up a specification laying down the requirements and criteria for evaluating the programmes.

2. The Member State(s) concerned shall examine the suitability of each proposed programme and its conformity with the provisions of this Regulation, the guidelines adopted under Article 5(2), and the relevant specification. They shall also check that the programme offers value for money.

Once having examined the programme or programmes, the Member State(s) shall draw up a list of programmes within the limit of available funds and shall undertake to contribute to their funding.

3. The Member State(s) shall send the Commission the list of programmes and copies of the programmes.

If the Commission finds that a programme which has been submitted, or certain actions thereof, are not in accordance with Community provisions or do not offer value for money, it shall, within a time limit

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to be determined in accordance with the procedure referred to in Article 12(2), notify the Member State(s) concerned of the ineligibility of all or part of the programme. Once that time limit has been exceeded, the programme shall be deemed eligible.

The Member State(s) shall take account of any observations made by the Commission and shall send the programmes, revised in agreement with the proposing organisation, to the Commission, within a period of time to be determined in accordance with the procedure referred to in Article 12(2).

4. The Commission shall decide, in accordance with the procedure referred to in Article 12(2), which programmes are accepted and the corresponding budgets. Programmes submitted by more than one Member State or providing for actions in more than one-third of the country shall be given priority.

5. After inviting competitive offers by all appropriate means, the proposing organisation shall select the bodies which shall implement the programmes. However, under certain conditions to be determined in accordance with the procedure referred to in Article 12(2), the proposing organisation may be authorised to implement certain parts of the programme.

6. In accordance with the procedure referred to in Article 12(2), the Commission may set minimum and/or maximum effective cost limits for the programmes to be submitted under this Article. These cost limits may be differentiated according to the nature of the programmes concerned. Criteria in this respect may be defined in accordance with the procedure referred to in Article 12(2).

Article 7a

After the Management Committee referred to in Article 12(1) or, where appropriate, the Regulatory Committees referred to in Council Regulations (EEC) No 2092/91 ⁽¹⁾, (EEC) No 2081/92 ⁽²⁾ or (EEC) No 2082/92 ⁽³⁾ have been informed, the Commission shall decide on the following measures:

- (a) measures referred to in Article 2(f) and (g) of this Regulation;
- (b) measures referred to in Article 2(a), (b), (c), (d) and (e) of this Regulation, where such measures have a Community-wide interest or no appropriate proposals have been submitted under the procedure established in Article 7 of this Regulation;
- (c) measures carried out by an international organisation as referred to in Article 6 of this Regulation.

▼B*Article 8*

1. The Commission shall, on the basis of an open or restricted invitation to tender, choose:

- any technical assistants needed to evaluate the proposed programmes, including the proposed implementing bodies;

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- the body or bodies responsible for implementing the measures referred to in Article 7a.

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2. The body or bodies responsible for implementing the measures referred to in Articles 7(1) and 8(1) shall have specialist knowledge of

⁽¹⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 1481/2004 (OJ L 272, 20.8.2004, p. 11).

⁽²⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 1215/2004 (OJ L 232, 1.7.2004, p. 21).

⁽³⁾ OJ L 208, 24.7.1992, p. 9. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

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the products concerned and the targeted markets and have the resources to ensure that the measures are implemented as effectively as possible, taking account of the European dimension of these programmes.

3. A Monitoring Group, comprising representatives of the Commission, the Member States concerned and the proposer organisations, shall supervise the proper conduct of the measures.

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4. The Member States concerned shall be responsible for monitoring programmes referred to in Article 7 and for making the payments in respect thereof. The Member States shall ensure that any information or promotion material produced under an accepted programme complies with Community law.

▼B*Article 9***▼M1**

1. Without prejudice to paragraph 4, the Community shall fund the measures referred to in Article 7a in their entirety. The Community shall also fund entirely the cost of technical assistants selected according to the first indent of Article 8(1).

2. The Community's contribution to the programmes referred to in Article 7 shall not exceed 50 % of the real cost of the programmes. In the case of promotion programmes lasting two or three years, the contribution for each year of implementation shall not exceed that maximum limit.

3. The proposing organisation(s) shall fund at least 20 % of the real cost of the programmes referred to in Article 7, the rest of the financing being borne by the Member State(s) concerned, taking into account the Community's contribution referred to in paragraph 2. The respective shares of the Member State(s) and the proposing organisation(s) shall be defined at the time the programme is submitted to the Commission in accordance with Article 7(3). The payments made by Member States and/or the proposing organisations may come from parafiscal charges or compulsory contributions.

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4. Where Article 6 applies, the Community shall, after approving the programme, grant an appropriate contribution to the international organisation in question.

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5. Articles 87, 88 and 89 of the Treaty shall not apply to the financial contributions provided by Member States and to the financial contributions, coming from parafiscal charges or compulsory contributions, provided by Member States and/or proposing organisations, for the programmes subject to Community support within the scope of Article 36 of the Treaty and which the Commission has decided to accept in accordance with Article 7(4).

▼B*Article 10*

Community expenditure on the measures referred to in Article 1 shall be considered intervention within the meaning of Article 1(2)(e) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾.

Article 11

The measures necessary for the implementation of this Regulation shall be adopted in accordance with the management procedure set out in Article 12(2).

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

▼B*Article 12*

1. The Commission shall be assisted by the Management Committee for Oils and Fats set up under Article 37 of Regulation No 136/66/EEC and by the Management Committees set up under the corresponding Articles of the other Regulations on the common organisation of agricultural markets.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

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

▼M1*Article 12a*

Before drawing up the list and guidelines referred to in Article 5, or accepting programmes referred to in Article 7, or deciding on measures in accordance with Article 7a, or adopting implementation measures in accordance with Article 11, the Commission may consult:

- (a) the Standing Group on Promotion of Agricultural Products of the Advisory Committee on Agricultural Product Health and Safety;
- (b) technical ad hoc working groups composed of members of the Management Committee referred to in Article 12(1) and/or experts with particular expertise in promotion and publicity.

▼B*Article 13*

Before ►**M1** 31 December 2006 ◀, the Commission shall present to the European Parliament and the Council a report on the application of this Regulation, together with any appropriate proposals.

Article 14

1. The words 'or third countries' in Article 11(1) of Regulation No 136/66/EEC shall be deleted.
2. The words 'and elsewhere' in the first indent of Article 2(2) of Regulation (EEC) No 1308/70 shall be deleted.
3. The words 'and abroad' in Article 2(1) of Regulation (EC) No 2275/96 are hereby deleted.

Article 15

This Regulation shall enter into force on 1 January 2000.

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