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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 21.11.2024 amending Delegated Regulation (EU) 2015/1829 supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products

Delegations will find attached document C(2024) 8008 final.

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EUROPEAN
COMMISSION

Brussels, 21.11.2024
C(2024) 8008 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 21.11.2024

amending Delegated Regulation (EU) 2015/1829 supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

In view of the experience gained in eight years of the implementation of promotion programmes, certain provisions of Commission Delegated Regulation (EU) 2015/1829 of 23 April 2015 supplementing 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 third countries ('Regulation (EU) 2015/1829')¹ should be reviewed. This is to make the programmes more widely accessible, to amend the eligibility criterion for receiving support for the same programme after such support has already been received twice, either consecutively or in parallel, to strengthen the rules concerning conflict of interests and to alleviate the administrative burden in the financial management of the programmes.

In recent years, it has become evident that the number and administrative capacity of proposing organisations which can implement EU agri-food promotion policy, set a constraint on the number of programmes that can be implemented. Further, Member States and stakeholders voiced their concerns about other factors limiting access to support. It was established that the application of Article 1(4) of Delegated Regulation (EU) 2015/1829 restricts the access to support and that it is not clear. Moreover, it was established that Article 1(1)(d) of Regulation (EU) 2015/1829 is not necessary as the agri-food sector bodies, which are entrusted by the Member State concerned with a clearly defined public service mission to provide information on, and to promote, agricultural products, are considered representative of the sector(s) concerned by the programme. Hence, Article 1(4) of Delegated Regulation (EU) 2015/1829 should be amended and Article 1(1)(d) should be deleted.

In addition, based on experience gained with the preparation and implementation of the programmes, the conditions to prevent conflict of interests needs to be strengthened. Proposing organisations must ensure the absence of any conflict of interests during the preparation of proposals submitted for evaluation pursuant to Article 11 and Article 17 of Regulation (EU) No 1144/2014, as well as during the implementation of the programme. To this end, Article 1 of Delegated Regulation 2015/1829 needs to be amended. In addition, relating to conditions governing the competitive procedure for the selection of implementing bodies, proposing organisations need to ensure the absence of any conflict of interests during the preparation of proposals and to inform Member States before the conclusion of the contracts for the implementation of simple programmes about measures taken to ensure best value for money and the absence of conflict of interests. To this end, Article 2(1) of Delegated Regulation (EU) 2015/1829 needs to be amended.

The reduction of administrative burden and simplification of the regulatory environment of the Common Agricultural Policy is an important priority for the Union. According to Article 4 of Regulation (EU) 2015/1829, the form of grants, which may be supported, is based on the reimbursement of actually incurred costs. An alternative method for calculation of eligible costs based on the amounts established by way of lump sums should be introduced in the Regulation. This is expected to bring simplification and to decrease the administrative burden in the financial management of the programmes.

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¹ OJ L 266, 13.10.2015, p. 3.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations, which involved experts from the 27 Member States, were carried out within the Expert Group for Agricultural Markets, in particular aspects falling under the CMO Regulation, during the meeting of 26 March 2024. The experts from the 27 Member States were invited to give their written comments until 10 April 2024. A revised text was shared with the above-mentioned group and discussed during the meeting of 30 September 2024. Experts were invited to submit further comments until 4 October 2024.

In parallel, the amendment was shared for feedback on the 'Have your say portal' from 13 September to 11 October 2024. Feedback was submitted by 18 organisations representing a wide range of agricultural sectors. Overall, respondents called for simplification and reduction of administrative burden, as well as a harmonised application across countries and types of programmes.

Regarding the updated eligibility rules, one third of the organisations commented on the provisions regulating the continuation of programmes, either in support of the clarification provided or to raise concerns regarding the impact of interruptions to marketing campaigns after a period of six years of the Union financial support. The provisions are maintained as the Commission resolved to allow wide access by proposing organisations, while providing criteria whereby they can assess whether they are eligible to submit a third proposal for the same product or scheme on the territory of the same target country in a given year after they received support for previous two programmes implemented in parallel or consecutively. The Commission also reiterates that revoking the additional criterion of representativeness for agri-food sector bodies entrusted by a Member State with a clearly defined public service mission to provide information on, and to promote, agricultural products, will simplify and eliminate barriers to participation.

Several organisations acknowledged the need to prevent situations of conflict of interests arising prior to the signature of a Grant Agreement, while calling on the Commission to avoid adding administrative burden for proposing organisations. The Commission has in parallel clarified with the Expert Group the way in which these provisions will be applied during the evaluation of the proposal and the implementation of the programme by avoiding excessive red tape and will do so also in other relevant fora.

Finally, while organisations recognised that the introduction of lump sums for eligible costs could simplify administration and financial management, they called for guidelines to support applicants and Member States in the implementation of new rules. The Commission will use the year 2025 to prepare for the implementation of lump sum grants and it resolved to further explain the new rules on lump sums to the parties involved in the implementation of the information and promotion programmes.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act amends Commission Delegated Regulation (EU) 2015/1829 of 23 April 2015 supplementing 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 third countries.

Article 1 of this Delegated Regulation comprises the following elements:

- (a) Article 1(1)(d) is deleted,
- (b) the rules set out in Article 1(4) are amended: Article 1(4) sets out two conditions for receiving support for information and promotion programmes on

the same product or scheme, carried out on whole or a part of the territory of the same target country after such support has already been received on two parallel or consecutive occasions and defines parallel and consecutive implementation of programmes,

- (c) paragraph 5 is added in Article 1: a condition is added to ensure the absence of any conflict of interests during the preparation of the proposal, as well as during the implementation of the programme. That condition must be fulfilled when a proposing organization submits a proposal,
- (d) in Article 2(1): for proposing organisations of simple programmes, a requirement is added that they must ensure the absence of any conflict of interests during the preparation of the proposal. Further, a requirement is added to inform Member States about measures taken to ensure best value for money when selecting the bodies responsible for implementing simple programmes and the absence of any conflict of interests,
- (e) in Article 4: the form of grants based on lump sums is introduced. Furthermore, a provision is added according to which calls for proposals will specify the categories of costs considered eligible for funding.

Article 2 sets out the entry into force of this Regulation.

COMMISSION DELEGATED REGULATION (EU) .../...

of 21.11.2024

amending Delegated Regulation (EU) 2015/1829 supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 3/2008², and in particular Article 7(2), Article 13(1), second subparagraph, and Article 15(8) thereof,

Whereas:

- (1) Based on the experience gained during the implementation of the information provision and promotion programmes concerning agricultural products, it has become evident that the agri-food sector bodies entrusted, by the Member State concerned, with a clearly defined public service mission to provide information on, and to promote, agricultural products, are considered representative of the sectors concerned by the programme. Therefore, Article 1(1), point (d), of Commission Delegated Regulation (EU) 2015/1829³, which requires agri-food sector bodies to demonstrate representativeness of the sectors with other means than entrustment of a clearly defined public service mission to provide information on, and to promote, agricultural product, as it is required by Article 7(1), point (d), of Regulation (EU) No 1144/2014, is no longer necessary.
- (2) The conditions under which proposing organisations may submit a proposal for an information and promotion programme concerning agricultural products should encourage wide access by proposing organisations. Those conditions should also ensure that proposing organisations do not receive support for more than two information and promotion programmes on the same product or scheme, carried out on the territory of the same target country, or part thereof, either consecutively or in parallel. To this end, the rule prohibiting an organisation from receiving support for the same information and promotion programme carried out in the same geographical market for more than two consecutive occasions contained in Article 1(4) of Delegated Regulation (EU) 2015/1829, should be amended.
- (3) Based on the experience gained during the implementation of the information provision and promotion programmes concerning agricultural products, the conditions

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² OJ L 317, 4.11.2014, p. 56, ELI: <http://data.europa.eu/eli/reg/2014/1144/oj>.

³ Commission Delegated Regulation (EU) 2015/1829 of 23 April 2015 supplementing 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 third countries OJ L 266, 13.10.2015, p. 3, ELI: http://data.europa.eu/eli/reg_del/2015/1829/oj.

to prevent conflicts of interests should be strengthened. Therefore, proposing organisations should be required to ensure, during the preparation of the proposal submitted for evaluation pursuant to Article 11 and Article 17 of Regulation (EU) No 1144/2014, as well as during the implementation of a programme, the absence of any conflict of interests.

- (4) In addition, with a view to reinforcing the prevention of conflicts of interests, the conditions governing competitive procedures for the selection of implementing bodies should require proposing organisations to inform Member States about measures taken to further strengthen the impartial and objective selection of bodies responsible for implementing simple programmes.
- (5) According to Article 4 of Delegated Regulation (EU) 2015/1829, the grants are to take the form of reimbursement of eligible costs actually incurred by the proposing organisation. In order to bring about simplification and decrease the administrative burden in the financial management of the programmes, an alternative method for calculation of eligible costs based on the amounts established by way of lump sums should be introduced in that Article.
- (6) Delegated Regulation (EU) 2015/1829 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2015/1829 is amended as follows:

(1) Article 1 is amended as follows:

- (a) in paragraph 1, point (d) is deleted;
- (b) paragraph 4 is replaced by the following:

‘4. With the exception of programmes carried out to restore normal market conditions in the event of serious market disturbance, loss of consumer confidence or other specific problems, a proposing organisation shall not receive support for more than two information and promotion programmes on the same product or scheme, carried out in parallel or consecutively on the territory of the same target country, or part thereof. After having received support for two information and promotion programmes carried out in parallel or consecutively on the same product or scheme, the proposing organisation may only receive support for information and promotion programmes where the following two conditions are fulfilled:

- (i) the proposing organisation applies for a new programme after the end of the implementation of the previous programmes; and
- (ii) the starting date of the implementation of the new programme shall be at least 12 months after the end of the implementation of the previous programmes.

For the purpose of the first sub-paragraph, two information and promotion programmes are carried out in parallel when their implementation periods overlap entirely or partly, and they are carried out consecutively when the implementation of the second programme started less than 12 months after the end of the implementation of the first programme.’;

(c) paragraph 5 is added:

‘5. The proposing organisation shall ensure the absence of any conflict of interests during the preparation of a proposal submitted for evaluation pursuant to Article 11 and Article 17 of Regulation (EU) No 1144/2014, as well as during the implementation of the programme.’;

(2) in Article 2, paragraph 1 is replaced by the following:

‘1. Proposing organisations must select bodies responsible for implementing simple programmes ensuring best value for money and the absence of any conflict of interests. In doing so, proposing organisations must take all measures, including during the preparation of the proposal, to prevent any situation where the impartial and objective implementation of the programme is compromised for reasons involving economic interest, political or national affinity, family or emotional ties or any other shared interest.

Proposing organisations shall inform Member States about the measures taken to ensure best value for money when selecting the bodies responsible for implementing simple programmes and the absence of any conflict of interests, before the conclusion of the contracts for the implementation of simple programmes.’;

(3) Article 4 is amended as follows:

(a) in paragraph 1, the following subparagraphs are added:

‘By way of derogation from the first subparagraph of this paragraph, the criteria indicated under points (a) and (d) of that subparagraph shall not apply to lump sums.

By way of derogation from the first subparagraph of this paragraph, the criteria indicated under points (b), (c), (e) and (f) of that subparagraph shall apply to lump sums for the purpose of the evaluation of proposals pursuant to Article 11 of Regulation (EU) No 1144/2014.’;

(b) the following paragraphs 4 and 5 are added:

‘4. The call for proposals referred to in Article 8(2) of Regulation (EU) No 1144/2014 shall specify which form of grant is considered as eligible for Union funding among the following:

(a) reimbursement of eligible costs actually incurred by a beneficiary during the implementation of the programme, with the exception of costs relating to final reports and evaluation as well as of reimbursement of indirect eligible costs as referred to in paragraph 3;

(b) lump sums.

5. The proposing organisation shall establish the amounts for the grant referred to in paragraph 4, point (b), in one of the following ways:

(a) a fair, equitable and verifiable calculation method based on:

(i) statistical data, other objective information or an expert judgement;

(ii) verified historical data of individual beneficiaries; or

(iii) the application of the usual cost accounting practices of individual beneficiaries;

(b) in accordance with the rules for application of corresponding lump sums applicable in Union policies for similar activities;

(c) in accordance with the rules for application of corresponding lump sums applied under schemes for grants funded entirely by the Member State for similar activities.’

Article 2

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

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

Done at Brussels, 21.11.2024

For the Commission
The President
Ursula VON DER LEYEN