Basic information

2011/0290(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Agricultural products: information and promotion on the internal market and in third countries; delegated and implementing powers of the Commission **Subject** 3.10.03 Marketing and trade of agricultural products and livestock	

Key players

Council of the European Union	
European Commission	Commission DG: Regional and Urban Policy — Commissioner: CIOLOŞ Dacian
European Economic and Social Committee	

Key events

Date	Event	Reference	Summary
21/10/2011	Legislative proposal published	COM(2011)0663	Summary
27/10/2011	Committee referral announced in Parliament, 1st reading		
21/09/2012	Committee report tabled for plenary, 1st reading	A7-0279/2012	Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2011/0290(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 042-p1 Treaty on the Functioning of the European Union TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	AGRI/8/00079

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A7-0279/2012	21/09/2012	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0663	21/10/2011	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0663	15/12/2011	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Agricultural products: information and promotion on the internal market and in third countries; delegated and implementing powers of the Commission

2011/0290(COD) - 21/09/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Agriculture and Rural Development adopted the report by José BOVÉ (Greens/EFA, FR) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries.

The committee recommends that the position of the European Parliament adopted in first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Alignment on the TFEU (Commission's delegated and implementing acts): the proposed amendments reflect the horizontal approach (positions or wordings) of the institutions or the European Parliament's position of other alignment acts. The Commission shall adopt delegated acts:

- determining the characteristics of information and promotion programmes and the procedures for and period of their implementation;
- determining the characteristics and purposes of information and promotion messages, as well as the target groups for information and promotion campaigns;
- amending the themes and products set out in the Regulation and the third countries concerned;
- defining further priorities for the selection of programmes, such as giving priority to organic products and to information and promotion programmes regarding agricultural products with PDO/ PGI and TSG classifications at Union level.

Information and promotion messages: in **third countries**, in respect of products included under PDO/ PGI and TSG designations at Union level, Members propose that the measures may also take the following forms:

- promoting the protection of designation of origin and geographical indications, compliance monitoring and information for third countries;

- supporting the Member State authorities in monitoring compliance and the correct implementation of Union framework provisions;
- information and legal assistance for interested parties regarding better legal protection of PDO/PGI designations in third countries and issues arising from misappropriation of such designations.

Strategy for information and promotion programmes: the rules to be followed shall provide general indications, in particular concerning : (i) one or more themes to be the subject of the measures selected for the promotion and information initiative, depending on the intended target group of that initiative; (ii) the types of measures and the procedures to be implemented.

Consultation: before adopting delegated or implementing acts, the Commission shall consult producer organisations not forming part of ad hoc working groups and representing, in particular, designation-of-origin and similar protected products.

Annex: the list of themes and products as well as the list of third country markets in which promotional measures may be carried out was incorporated as an Annex in the basis act as it is estimated as an essential element of this regulation. This annex reflects the current lists in Annex I (parts) and Annex II of the Commission Regulation (EC) No. 501/2008.

Agricultural products: information and promotion on the internal market and in third countries; delegated and implementing powers of the Commission

2011/0290(COD) - 21/10/2011 - Legislative proposal

PURPOSE: to align Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and third countries with Article 290 (delegated acts) and Article 291 (implementing acts) of the Treaty on the Functioning of the European Union.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: Council Regulation (EC) No 3/2008 confers competence on the Commission to adopt detailed rules for the application of that Regulation. As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 3/2008 upon the Commission need to be aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union (the Treaty).

Article 290 of the TFEU allows the legislator to delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. Legal acts adopted by the Commission in this way are referred to in the terminology used by the Treaty as "delegated acts".

Article 291 of the TFEU allows Member States to adopt all measures of national law necessary to implement legally binding Union acts. Those acts can confer implementing powers on the Commission where uniform conditions for implementing them are needed. Legal acts adopted by the Commission in this way are referred to in the terminology used by the Treaty as "implementing acts".

IMPACT ASSESSMENT: there was no need for an impact assessment since the proposal to align Council Regulation (EC) No 3/2008 with the TFEU is an inter-institutional matter that will concern all Council Regulations.

LEGAL BASIS: Articles 42 and 43 of the Treaty on the Functioning of the EU (TFEU).

CONTENT: this proposal aims to:

- identify the delegated and implementing powers of the Commission in Council Regulation (EC) No 3/2008 and establish the corresponding procedure for the adoption of these acts;
- incorporate in Regulation (EC) No 3/2008 some of the powers that have so far been exercised by the Commission.

Delegated acts: it is proposed that the Commission should be empowered to adopt certain acts in accordance with Article 290 of the Treaty with regard to:

- determining what is meant by an information and promotion programme;
- determining the characteristics with which information and promotion messages for programmes must comply;
- drawing up lists of the themes, products and third countries that may be covered by these measures;
- adopting rules for information and promotion programmes;
- adopting detailed rules regarding programmes to be implemented in third countries in collaboration with international organisations in order to ensure their smooth running;
- defining further priorities for the selection of programmes in addition to those already laid down in Regulation No (EC) 3/2008.

Implementing acts: the Legislator should grant the Commission the power to adopt implementing acts with regard to the following matters:

- the uniform conditions for the pre-selection of programmes by the Member States and their selection by the Commission;
- the procedure in case of an absence of programmes;
- the approval of implementing bodies;
- the use of material and the monitoring of programmes;
- the financing modalities of the programmes;
- the conclusion of contracts for the implementation of the programmes;
- the provision of securities;

- the payment modalities and the recovery of undue payments;
- the modalities of checks and penalties.

Powers incorporated in the Regulation: some of the powers that have so far been exercised by the Commission under the powers conferred on it by Regulation (EC) No 3/2008 have been considered of such importance that they should be incorporated into that Regulation. This regards:

- the exclusion from support under Regulation (EC) No 3/2008 of information and promotion measures on the internal market receiving support under Council Regulation (EC) No 1698/2005 on support for rural development in order to eliminate the risk of double financing;
- the principle that, in order to ensure the sound management of the Union's budget, proposing organisations should lodge securities in guarantee of a proper implementation of the programmes;
- the principle that they are liable to penalties if they fail to fulfil their obligations.