

## WORKING DOCUMENT

### COMMISSION IMPLEMENTING REGULATION (EU) 2015/..

of XXX

#### **laying down rules for the 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 third countries**

#### **DISCLAIMER**

This working document has been prepared by DG AGRI staff in order to facilitate the discussion in the Committee. It has not yet been subject of an inter-service consultation nor revised by the Legal Service

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 3/2008<sup>1</sup>, and in particular Article 4(3), the second subparagraph of Article 13(2), the second subparagraph of Article 14(1) and Article 25 thereof,

Whereas:

- (1) Regulation (EU) No 1144/2014 repealed Council Regulation (EC) No 3/2008<sup>2</sup> and lays down new rules on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries. In order to ensure that the new legal framework established by that Regulation functions smoothly and applies uniformly, the Commission has been empowered to adopt implementing rules in those areas.
- (2) Information provision and promotion measures should not be origin-oriented. Nevertheless, pursuant to Article 4(2) of Regulation (EU) No 1144/2014, it is possible to mention the origin of the products under certain conditions. Rules should be laid

<sup>1</sup> OJ L 317, 4.11.2014, p. 56.

<sup>2</sup> Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries (OJ L 3, 5.1.2008, p. 1).

down to ensure notably that the reference to origin does not undermine the main generic Union message of a programme.

- (3) To avoid any risk of confusion with products registered under the Union quality schemes, reference to origin shall be limited to national origin only. Nevertheless, taking into account the list of eligible schemes laid down in Article 5(4) of Regulation (EU) No 1144/2014, it should be possible to indicate origin in terms other than national origin for these specific schemes. In addition, it should be possible to mention a transnational origin, such as Nordic, Alpines or Mediterranean as it corresponds to a pan European common reference.
- (4) Information provision and promotion measures should not be brand-oriented. Nevertheless pursuant to Article 4(1) of Regulation (EU) No 1144/2014, it is possible to mention the brands of the products during certain actions and under certain conditions. The display of brands should be limited to demonstrations and tastings, namely to actions specifically designed to increase sales, and on the corresponding information and promotion material, displayed during these specific actions. Rules should be established to ensure that each brand is equally visible and its graphic presentation is smaller than the presentation of the main Union message of the campaign. In order to ensure that the non-brand-oriented nature of the measures remains unchanged, rules should be laid down to ensure that several brands are displayed, except in duly justified circumstances, and that the surface dedicated to brands is limited to a maximum percentage of the area of communication.
- (5) Regulation (EU) No 1144/2014 allows proposing organisations to implement certain parts of their programmes. The rules for the application of those provisions should be laid down.
- (6) Simple programmes are to be implemented in shared management between the Member States and the Union in accordance with Regulation (EU) No 1306/2013 of the European Parliament and of the Council<sup>3</sup>, while multi programmes are to be financed under direct management rules in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>4</sup>. As the same proposing organisation could have both simple and multi programmes, the implementation rules for both programmes should differ as little as possible. To that end, it is appropriate to provide for rules that are equivalent to those provisions of Regulation (UE, Euratom) No 966/2012 which will apply to multi- programmes concerning grants and currently applicable to multi programmes such as the absence of a requirement to lodge a security to ensure satisfactory performance of the contract or the rhythm of payments.
- (7) The Member States are responsible for the proper implementation of the simple programmes selected by the Commission. In order to ensure uniform conditions, the rules concerning conclusion of contracts for the implementation of the selected simple programmes should be laid down. To that end, a model contract should be provided to the Member States by the Commission and a reasonable time limit for the conclusion

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<sup>3</sup> 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).

<sup>4</sup> Regulation (UE, 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).

of contracts should be set. However, in view of the different types of measures that may be provided for a programme, flexibility with regard to the starting date of the implementation of the programme should be provided.

- (8) In case simple programmes involve more than one proposing organisation, provisions should be made lay down their roles and responsibilities together with an internal arrangement between them. They should, in particular, provide for nomination of a coordinating proposing organisation that should be the central contact point for the Member State and the proposing organisations concerned.
- (9) In the interest of sound financial management, proposing organisations and implementing bodies should be obliged to keep records and other supporting documentation necessary to prove the correct implementation of the programme and the eligibility for Union funding of the costs declared.
- (10) Member States should control the implementation of simple programmes in accordance with Regulation (EU) No 1306/2013. They should also be required to approve the selection of the implementing body before concluding the contract with the proposing organisation concerned and to check any application for payments before any payment is made. Except for the payment of the advance, an application should include a financial report declaring and specifying the eligible costs incurred by the proposing organisation, a report on technical execution of the programme and a monitoring or an evaluation report in case of interim payments or for the payment of the balance, respectively.
- (11) With a view to simplification and to reducing the administrative burden, the periods to which the interim reports and the corresponding payment applications relate should be set to one year. Moreover, a certificate on the financial statements, issued by an independent and qualified auditor, should be submitted when the reimbursement for certain amounts is requested. The certificate should provide reasonable assurance to the Member States as regard the eligibility of the costs declared.
- (12) In order to enable Member States to verify if the material produced in the context of the implementation of a programme complies with Union law as set out in Article 14(1) of Regulation (EU) No 1144/2014, and in particular the application of the provisions concerning the main Union message, mention of origin and display of brands, a provision requiring the submission of samples of the material used, including the visuals, should be laid down.
- (13) In order to provide proposing organisations with a float, arrangements for the payment of advances should be laid down. To protect the Union's financial interests effectively, payment of the advance should be subject to a security. This advance should remain in force until the payment of the balance after the completion of the entire programme.
- (14) In the interests of sound financial management provisions should be laid down requiring that advances and intermediate payments remain below the total Union contribution with a safety margin.
- (15) In the light of experience, the content of on-the-spot checks to be carried out by the Member States and in particular their frequency, scope and location should be determined. It is thus appropriate to provide for a requirement that each programme should be subject to an on-the-spot check at least once during its implementation. Taking into account the fact that information and promotion activities are implemented at different times and are often of limited duration and the fact that certain programmes are implemented outside the Member State of origin of the

proposing organisation or outside the Union, the on-spot-checks should be carried out in the premises of the proposing organisations and, if appropriate, of the premises of the implementing body.

- (16) Interest rate in case of undue payments should be aligned to the corresponding interest rate applicable to multi programmes.
- (17) Provision should be laid down for appropriate monitoring and evaluation of information and promotion programmes in order to assess their effectiveness and efficiency as well as the overall performance of the promotion policy by both proposing organisations and Member States.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### *Article 1*

#### **Subject matter**

This Regulation lays down implementing rules for the application of Regulation (EU) No 1144/2014 as regards the visibility of origin and brands in simple and multi programmes as well as rules under which a proposing organisation may be authorised to implement certain parts of a simple programme.

It also lays down specific rules for the conclusion of contracts, management, monitoring and controls for simple programmes, as well as a common impact assessment framework and indicators.

## **Chapter II – Common provisions for simple and multi programmes**

### **SECTION 1**

#### **VISIBILITY OF ORIGIN**

#### *Article 2*

#### **Requirements for mention of the origin in all information and promotional material**

1. Any mention of origin shall fulfil the following cumulative conditions:
  - (a) it shall not amount to a restriction of the free movement of agricultural and food products in breach of Article 34 of the Treaty on the Functioning of the European Union;

- (b) it shall not encourage consumers to buy domestic goods solely by virtue of their origin and should refer to the particular properties of the product rather than the sole origin;
  - (c) it shall complement the main Union message and reinforce it.
2. The main message of the programme shall be a Union message and shall not focus on a specific origin.
  3. The main Union message of the programme shall not be obscured by material related to the origin of the product, such as pictures, colours, symbols or music.
  4. The mention of origin on information and promotional material shall be limited to visual material. No mention of the origin shall be made in audio material.

### *Article 3*

#### **Mention of the origin on information and promotional material for programmes aimed at the internal market and at third countries**

1. The mention of origin on information and promotional material, as referred to in points (a) and (b) of Article 4(2) of Regulation (EU) No 1144/2014, shall be limited to the national origin, namely the name of the Member State, or to a common supra-national origin. The mention of origin may be explicit or implicit.
2. In order to comply with the limits to the mention of the origin set out in points (a) and (b) of Article 4(2) of Regulation (EU) No 1144/2014 account shall be taken of the overall importance of the text or symbol, including pictures and general presentation, which refers to the origin as compared with the importance of the text or symbol which refers to the main Union message of the programme.
3. The mention of origin on information and promotional material as referred to in point (a) of Article 4(2) of Regulation (EU) No 1144/2014 shall appear as secondary manner and distinct area compared to the main Union message of the campaign.

### **Article 4**

#### **Mention of the origin on information and promotional material referring to schemes eligible under Article 5(4) of Regulation (EU) No 1144/2014**

1. Information provision and promotion measures mentioning schemes eligible under point (a) of Article 5(4) of Regulation (EU) No 1144/2014 which refer to a product name for foodstuffs registered as PDO, PGI or TSG may mention the origin without any restriction provided that the reference corresponds exactly to that registered by the Union.
2. Information provision and promotion measures mentioning schemes eligible under point (c) of Article 5(4) of Regulation (EU) No 1144/2014 may mention the name of the outermost regions in the related graphic symbols without any restriction, provided that the conditions set out in Commission Delegated Regulation (EC) No 179/2014<sup>5</sup> are fulfilled.

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<sup>5</sup> Commission delegated regulation (EU) No 179/2014 of 6 November 2013 supplementing Regulation (EU) No 228/2013 of the European Parliament and of the Council with regard to the register of

3. Information provision and promotion measures mentioning schemes eligible under point (d) of Article 5(4) of Regulation (EU) No 1144/2014 which refer to the origin in their name may, by derogation from Article 3(1), mention this specific origin, provided that they fulfil the conditions set out in points (a) and (b) of Article 4(2) of Regulation (EU) No 1144/2014.]

## 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>6</sup> or in Article 2 of Directive 2008/95/EC of the European Parliament and of the Council.<sup>7</sup>
2. Brands of promoted products of the proposing organisations may be visible only during :
  - (a) Demonstrations namely all means of showing of the merits of a product or a scheme to a prospective customer to encourage the purchase during fairs or business-to-business events and on websites;
  - (b) Tastings namely any action where a product can be tested to discover its flavour and its quality 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 during these specific actions as referred to in paragraph 2.
4. The proposing organisations 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 actions as referred to in paragraph 2;
  - (b) they shall keep evidence that all members of the proposing organisation concerned have been given the right to display their brands, in order to ensure equal access;
  - (c) they shall ensure that :
    - (i) several brands are displayed together in an equally visible and neutral manner, in a distinct area than the main Union message
    - (ii) the display of brands does not weaken the main Union message;

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operators, the amount of aid for the marketing of products outside the region, the logo, the exemption from import duties for certain bovine animals and the financing of certain measures relating to specific measures for agriculture in the outermost regions of the Union (OJ L 163, 4.3.2014, p. 3).

<sup>6</sup> Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ L 78, 24.3.2009, p. 1).

<sup>7</sup> 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).

- (iii) the main Union message is not obscured by the display of branded material such as pictures, colours, symbols, etc;
- (iv) the mention of brands is limited to visual written material excluding gadgets and mascots, in a smaller format than the main Union message and situated apart from it.

#### *Article 6*

#### **Specific requirements**

1. For demonstrations and tastings, brands can only be displayed :
  - (a) together in a banner located on the counter front of the stand or equivalent support. This banner shall not exceed 5% of the total surface area of the counter front of the stand /front desk or equivalent support; or
  - (b) separately in several individual and identical corners in a neutral and identical way, on the counter front of the stand/front desk 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 counter front of the stand /front desk or equivalent support.
2. For websites, brands can 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 corresponding printed material distributed during demonstrations or tastings, brands shall 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.
4. Articles 5 and 6 shall not apply to the name of the products registered under the Union quality schemes as referred to in Article 5(4) point a and to the names and logos of the schemes referred to in Article 5(4) point d of Regulation (EU) No 1144/2014 which are registered as trade marks. ¶

#### *Article 7*

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

1. A minimum of 5 brands shall be displayed.
2. By way of derogation from paragraph 1, less than 5 brands may be displayed provided that the following two conditions are fulfilled
  - (a) there are fewer brands produced in 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 and evidence, 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.

4. Where less than 5 brands are displayed, the rules set out in Article 6 shall apply but the surface area allocated to brands shall be reduced proportionally.

## **Chapter III –Management of simple programmes**

### **Section I**

#### **Implementation and financing of programmes**

##### *Article 8*

##### **Conclusion of contracts**

1. As soon as the Commission adopts an implementing act referred to in Article 11(2) of Regulation (EU) No 1144/2014, it shall forward the copies of the selected programmes to the Member States concerned.
2. Member States shall without delay inform the proposing organisations concerned whether or not their applications have been accepted.
3. Where a simple programme is submitted by two or more proposing organisation, the proposing organisations concerned shall among themselves nominate a ‘coordinator’.
4. Member States shall conclude contracts for the implementation of programmes with the coordinators or selected proposing organisations within 90 calendar days of notification of the Commission act referred to in Article 11(2) of Regulation (EU) No 1144/2014/paragraph (1) provided that the implementing bodies referred to in Article 13 of Regulation (EU) No 1144/2014 have been selected in accordance with the procedure provided for in Article 2 of [Commission Delegated Regulation (EU) 2015/ ... DA].]
5. The starting date of the implementation of the programme shall be the first day of the month following the date of signature of the contract. However, the starting date can be postponed up to 6 months, in particular to take into account the seasonality of the product concerned by the programme or participation in a specific event or fair.
6. Member States shall use the model contracts provided by the Commission.
7. [Where appropriate, the Member States may amend certain terms in the model contracts in line with national rules, provided that this does not infringe Union legislation]

##### *Article 9*

##### **Implementation of the programmes by the proposing organisations**

A proposing organisation may implement certain parts of a simple programme itself, subject to the following conditions:

- (a) the proposing organisation has at least three years’ experience in implementing information provision and promotion measures;

- (b) the proposing organisation ensures that the cost of the measure which it plans to carry out itself is not in excess of the normal market rates.

#### *Article 10*

#### **Obligations with regard to information and records**

1. Proposing organisations shall keep information up to date and shall inform the Member State concerned about events and circumstances which are likely to affect significantly the implementation of the programme or the Union's financial interests.
2. Proposing organisations and implementing bodies shall keep records and other supporting documentation in order to prove the proper implementation of the programme and the costs they declare as eligible, in particular the following:
  - (a) for actual costs: adequate records and other supporting documentation to prove the costs declared, such as contracts, subcontracts, invoices and accounting records. In addition, the cost accounting practices and internal control procedures shall enable direct reconciliation between the amounts declared, the amounts recorded in their accounts and the amounts stated in the supporting documentation;
  - (b) as regards personnel costs, the proposing organisation and implementing bodies must keep time records for the number of hours declared. In the absence of reliable time records of the hours worked on the action, the Member State may accept alternative evidence supporting the number of hours declared, if it considers that it offers an adequate level of assurance;
  - (c) for persons working exclusively on the programme, keeping time records shall not be required but a signed declaration confirming that the persons concerned have worked exclusively on the action;
  - (d) for flat-rate costs: adequate records and other supporting documentation to prove the eligibility of the costs on the basis of which the flat-rate is calculated.

#### *Article 11*

#### **Payment of the advance**

1. Within 30 days after the contract referred to in Article 8 has been signed, the coordinator or the proposing organisation may submit an application for an advance payment to the Member State concerned, together with the security provided for in paragraph 4 of this Article.
2. An advance payment shall amount to no more than 20 % of the maximum Union contribution, as referred to in Article 15 of Regulation (EU) No 1144/2014.
3. The Member State shall pay an advance within 30 days from the receipt of the security provided for in paragraph 4 or from 10 days before the starting date of the implementation of the programme, whichever is the latest.
4. The advance shall be paid on condition that the coordinator or the proposing organisation lodges a security equal to the amount of that advance in favour of the

Member State in accordance with Chapter IV of Commission Delegated Regulation (EU) No 907/2014<sup>8</sup>.

## *Article 12*

### **Application for interim payments**

1. Except for the last year of implementation of the programme, applications for an interim payment of the Union's financial contributions shall be submitted by the coordinator or the proposing organisation to the Member States within 60 days following the completion of each period of one year of implementation of the programme.
2. Such applications shall cover the eligible costs incurred during the year concerned and shall be accompanied by an interim report comprising of periodic financial report and periodic technical report.
3. The periodic financial report referred to in paragraph 2 shall comprise of:
  - (a) an individual financial statement from each proposing organisation detailing the eligible costs included in the programme. For each financial statement, proposing organisation should certify that:
    - the information provided is complete, reliable and true;
    - the costs declared are eligible according to Article 4 of [Commission Delegated Regulation (EU) 2015/ ... DA];
    - the costs can be substantiated by adequate records and supporting documentation that will be produced upon request or in the context of checks, reviews, audits and investigations;
  - (b) a summary financial statement consolidating the individual financial statements of the proposing organisations for the period concerned drawn up by the coordinator, if appropriate;
  - (c) a certificate on the financial statements for each proposing organisation, when the total Union's financial contribution for the actual costs is EUR 750 000 or more, and the cumulative amount of Union's financial contribution for the actual costs requested, and for which no certificate has yet been submitted, is EUR 325 000 or more. The certificate shall provide adequate evidence on the eligibility of the costs proposed in accordance with Article 4 of [Commission Delegated Regulation (EU) 2015/... DA] and the respect of the obligations established by Article 10 of this Regulation.
  - (d) copies of the relevant invoices and supporting documents proving the eligibility of the costs when the certificate under point (c) is not required.
4. The periodic technical report referred to in paragraph 2 shall contain:
  - (a) copies of all the material and visuals used;

<sup>8</sup>

Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

- (b) a description of the activities carried out in the period to which the interim payment relates that shall use the output and results indicators of the programme as referred to in Article 20, and
- (c) justifications for any differences between the activities planned in the programme and their expected outputs and results to those actually carried out or obtained.

### *Article 13*

#### **Application for payment of the balance**

1. Applications for payment of the balance shall be submitted by the coordinator or the proposing organisation to the Member State within 90 days following the completion of the programme covered by the contract referred to in Article 9.
2. To be considered admissible, the application shall be accompanied by: final interim report, final report, study to evaluate the results of the promotional and information measures.
3. The final interim report referred to in paragraph 2 shall concern the last year of implementation of the programme. In the financial statement, proposing organisations should also certify that all the receipts have been declared;
4. The final report referred to in paragraph 2 shall comprise of :
  - (a) final financial report containing:
    - (i) a final summary financial statement consolidating individual financial statements for all interim payments showing all expenditure incurred drawn up by the coordinator or proposing organisation;
    - (ii) a certificate on the financial statements for each proposing organisation, when the total Union's financial contribution for the actual costs is EUR 750 000 or more, and the cumulative amount of Union's financial contribution for the actual costs requested, and for which no certificate has yet been submitted, is EUR 325 000 or more. The certificate shall provide adequate evidence on the eligibility of the costs proposed in accordance with Article 4 of [Commission Delegated Regulation (EU) 2015/... DA] and the respect of the obligations established by Article 10 of this Regulation;
  - (b) final technical report containing
    - (i) an overview of the activities carried out and the achieved outcome of the programme using, in particular, the impact indicators as referred to in Article 21; and,
    - (ii) a summary for publication.
5. The study to evaluate the results of the promotional and information measures referred to in paragraph 2 shall be undertaken by an independent external body and use the impact indicators as referred to in Article 20.

### *Article 14*

#### **Payments by the Member State**

1. Interim payments and the advance payments referred to in Articles 12 and 13 taken together may not exceed 90 % of the Union's total financial contribution referred to in Article 15 of Regulation (EU) No 1144/2014.
2. Member States shall make the payments referred to in Articles 12 and 13 within 60 days from the receipt of the application for payment providing that all checks have been carried out in accordance with this Regulation.
3. In case further administrative or on-the-spot checks referred to in Articles 17 and 18 are necessary the deadline referred to in paragraph 2 may be suspended by a Member State by notifying the proposing organisation.

#### *Article 15*

##### **Refusal of ineligible costs and recovery of undue payments**

1. At the time of an interim payment, at the payment of the final payment or afterwards Member States shall reject any costs that are ineligible, in particular following checks, reviews, audits or investigations.
2. The proposing organisation shall reimburse the undue payment in accordance with Section 1 of Chapter III of Commission Implementing Regulation (EU) No 908/2014<sup>9</sup>.

The interest rate laid down in Article 83(2)(b) of Commission Delegated Regulation (EU) No 1268/2012<sup>10</sup> shall apply.

## **Section II**

### **Control of the implementation of the programmes by Member States**

#### *Article 16*

##### **Checks on the selection procedure of the implementing bodies**

Before signing the contract referred to in Article 8, Member States shall check that the implementing bodies have been selected in accordance with the competitive procedure provided for in Article 2 of [Commission Delegated Regulation (EU) 2015/... DA].

#### *Article 17*

##### **Administrative checks of the simple programmes**

1. During administrative checks Member States shall systematically verify the payment applications, in particular the reports accompanying the applications and the

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<sup>9</sup> Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

<sup>10</sup> 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).

eligibility of the costs pursuant to Article 4 of [Commission Delegated Regulation (EU) 2015/...DA].

2. Member States shall request any additional information deemed necessary and carry out further checks if necessary, in particular where the requested reports have not been submitted, where they are not complete, where the administrative review of the certificate on the financial statement does not provide adequate evidence on the eligibility of the costs pursuant to Article 4 of [Commission Delegated Regulation (EU) 2015/... DA] and the respect of the obligations in Article 10 of this Regulation or where there is a doubt about the eligibility of the costs declared in the financial statements.

### *Article 18*

#### **On-the-spot checks of the simple programmes**

1. Member States shall select the payment applications to be checked on the basis of a risk analysis.

The selection shall be made in such a way as to ensure that each simple programme is subjected to on-the-spot checks at least once during its implementation between the payment of the first interim payment and the payment of the balance.

2. On-the-spot checks shall consist of technical and accounting checks at the premises of the proposing organisation and, if appropriate, of the implementing body. Member States shall verify that:
  - (a) the information and the documents submitted are accurate;
  - (b) the costs have been declared in accordance with Article 4 of [Commission Delegated Regulation (EU) 2015/...DA] and with Article 10 of this Regulation;
  - (c) all the obligations laid down in the contract referred to in Article 8 have been fulfilled;
  - (d) Article 10 of Regulation (EU) No 1144/2014 has been complied with;
  - (e) Article 15 of Regulation (EU) No 1144/2014 has been complied with.

Without prejudice to Commission Regulation (EC) No 1848/2006<sup>11</sup>, Member States shall inform the Commission at the earliest opportunity of any irregularities detected during the checks.

3. On-the-spot checks may be limited to a sample covering at least 30% of the eligible costs. Such sample shall be reliable and representative.

Where any non-compliance is detected, the Member State shall check all the documents relating to the costs declared or the results of the sample shall be extrapolated.

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<sup>11</sup> Commission Regulation (EC) No 1848/2006 of 14 December 2006 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organisation of an information system in this field and repealing Council Regulation (EEC) No 595/91 (OJ L 355, 15.12.2006, p. 56).

4. Member States shall draw up a report covering each on-the-spot-check. That report shall clearly specify the scope and results of the checks carried out.

## **Section III**

### **Notification to the Commission**

#### *Article 19*

##### **Documents to be submitted to the Commission for simple programmes**

1. With respect to all payments made for simple programmes, by the 15 July of each year, Member States shall notify the Commission of the implementation, evaluation, control data and control statistics covering the previous calendar year and, of the following:
  - (a) data relating to the financial execution and the output indicators as referred to in Article 20,
  - (b) the results and the impact of the programmes as referred to in Article 20,
  - (c) data relating to individual beneficiaries in terms of aid applications and payment claims, results of administrative and on-the-spot checks.
2. Such notification shall be made by electronic means using the technical specifications for the transfer of data made available by the Commission.

## **Chapter IV**

### **Common monitoring and evaluation system**

#### *Article 20*

##### **Common performance indicators**

1. The common framework for assessing the impact of information and promotion programmes includes a set of performance indicators to be used for the establishment of quantified targets.
2. The common set of output, result and impact indicators is set out in Annex. The proposing organisations shall either use the pre-defined performance framework indicators set out in Annex or replace and/or complete these indicators by other relevant ones defined in the programme.

## Chapter V

### FINAL PROVISIONS

#### *Article 21*

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*. *[It should be ensured that the DA to which this IA makes references is already in force or enters into force on the same day.]*

It shall apply from 1 December 2015 to the proposals of programmes submitted as from 1 December 2015.

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

Done at Brussels,

*For the Commission  
The President*

## ANNEX

### Non exhaustive list of common performance indicators referred to in Article 20

The system of common performance indicators related to actions undertaken by the proposing organisations under information and promotion programmes does not necessarily capture all the factors that may intervene and affect the outputs, results and impact of an operational programme. In this context, the information provided by common performance indicators should be interpreted in the light of quantitative and qualitative information relating to other key factors contributing to the success or failure of the programme's implementation.

**1. Output** indicators measure the realisation of the actions undertaken in each project.

They include, for example:

- number of events organised;
- number of spots aired on TV/radio or published print or online ads
- number of press releases
- size of target group aimed by specific activities (eg number of professionals to whom mail shots were addressed)
- number of subscribers to e-mail newsletters

**2. Results** indicators measure the direct and immediate effects of the actions.

They include for example:

- number of professionals/experts/importers/consumers who participated in events (such as seminars, workshops, tastings, etc.);
- number of professionals/experts/importers/consumers who were reached by a TV/radio spot/print or online add
- number of professionals/experts/importers/consumers who participated in events and contacted the Producers Organisation / the producers;
- number of non-paid articles published in the press within the period covered by the report of the information campaign.
- Number of visitors on the website or likes on their Facebook-site
- value of media clippings;

**3. Impact** indicators measure the benefits beyond the immediate effects.

They include, for example:

- sales trends of the sector in the year following the promotion campaigns in the region in which they took place compared with the previous year and compared with the general sales trends on the market in question;
- consumption trends for the product in that country;

- value and volume of Union exports of the product promoted;
- change in the Union products market share;
- trend in the average sales price of the exported product in the country in which the campaigns took place;
- change in the level of recognition of the logos of the Union quality schemes;
- change in the image of Union quality products;
- increase in awareness of intrinsic values/other merits of Union agricultural products as listed in Article 3(a) of Regulation 1144/2014;
- regain of consumer confidence following the implementation of the programme;
- return on investment (ROI)