

EFTA Surveillance Authority
35 Rue Belliard
BE 1040 Brussels

Your ref

Our ref
14/1982-

Date
12.01.2015

Subject: The use of “Nyt Norge” (“Enjoy Norway”)

Reference is made to your letter of 25 November 2014 regarding the use of the “Nyt Norge” symbol (“Enjoy Norway”). Reference is also made to our correspondence concerning the postponement of the deadline to reply to 19 January 2015.

Please find below the Ministry’s answers to the questions raised by the EFTA Surveillance Authority:

1. The association(s) that are part of the brand "Enjoy Norway"

Answer: “Nyt Norge” is owned and managed by the independent foundation *Matmerk*. Matmerk is run by a board consisting of two representatives from the two Norwegian farmers unions (Norges Bondelag and Norsk Bonde- og Småbrukarlag), four representatives from the food industry, two representatives from the grocery retail trade and one representative from employees of Matmerk.

2. Information on whether that or those associations receive any, direct or indirect, financial contributions from the Norwegian State

Answer: Matmerk solves a variety of tasks important for Norwegian agricultural production, including administration of labels such as Nyt Norge and Geographical Indications, and the farmers joint quality assurance system (Kvalitetssystemer i landbruket, KSL). They also handle a variety of development projects in different areas.

Matmerk receives governmental funding from the Ministry of Food and Agriculture.

For 2015, the total funding from the government sums up to 56 mill NOK. Only a small part of this, 5 mill NOK is funding of the Nyt Norge-label (see also point 7)

3. Does the Norwegian Government have any influence on how the associations are governed?

Answer: *Matmerk* is an independent foundation. The Norwegian Government has no representation in the board of directors.

The Ministry controls the use of public funds through an annual allotment letter, yearly reports, and semiannual meetings with Matmerk together with the chairman of the board.

4. Does anyone of the association have any administrative functions?

Answer: None of the companies or associations, that are members of the board of directors in Matmerk, have administrative functions in Matmerk nor for the Government.

Matmerk carries out some tasks for the Norwegian Food Safety Authority with regard to the preparation and evaluation of applications concerning Geographical Indications, but has not been delegated any authority to adopt decisions in this field.

5. The Government's involvement in the brand, please specify in particular any administrative, supportive or financial involvement

Answer: The Government is not involved in any administrative or supportive functions of "Nyt Norge". Concerning the financial involvement, see point 7.

6. The objective of the brand "Enjoy Norway"

Answer: The objective of "Nyt Norge" is to promote Norwegian agricultural food production by enabling the consumers to make well-informed choices when it comes to origin and quality system applied (KSL - the joint quality assurance system).

7. The financing of the brand

Answer: "Nyt Norge" receives funding from the following parties:

- Contribution from the grocery retail trade: 12% of total funds
- License fee from the 61 companies using the Nyt Norge label: 20% of total funds
- Norwegian farmers (by levy): 37% of total funds
- Governmental funding: 31% of total funds

8. List the products to which the brand has been awarded

Answer: “Nyt Norge” has been awarded to 2170 products from 61 companies:

- Red meat and poultry - 1350 products,
- Vegetables, fruits and berries - 500 products,
- Dairy - 136 products,
- Eggs - 30 products,
- Cereals and flour - 9 products,
- Miscellaneous - 145 products

9. The planned development of the brand

Answer: Matmerk plans to extend the use of “Nyt Norge” to more products. Furthermore the marketing will continue, focusing on increasing consumers’ awareness and knowledge of the content of “Nyt Norge” (origin and the KSL quality assurance system).

When it comes to funding, contribution from the Government and the farmers will be reduced gradually.

10. Finally the Directorate would like to receive the Norwegian Government's comments on the case-law mentioned above and their applicability to the Norwegian case at issue

Answer: The EU Common Agricultural Policy is not a part of the EEA Agreement. This follows from Article 8 of the EEA Agreement, which specifies the agricultural products included in the agreement:

”Article 8

- 1. Free movement of goods between the Contracting Parties shall be established in conformity with the provisions of this Agreement.*
- 2. Unless otherwise specified, Articles 10 to 15, 19, 20 and 25 to 27 shall apply only to products originating in the Contracting Parties.*
- 3. Unless otherwise specified, the provisions of this Agreement shall apply only to:*
 - (a) products falling within Chapters 25 to 97 of the Harmonized Commodity Description and Coding System, excluding the products listed in Protocol 2;*
 - (b) products specified in Protocol 3, subject to the specific arrangements set out in that Protocol.”*

Agricultural products, i.e. chapters 1-24 in the Harmonised System, in addition to products listed in Protocol 2 of the EEA Agreement, are as such, exempt from the EEA Agreement. However, processed agricultural products, covered by the Agreement’s Protocol 3, are included in the EEA Agreement.

“Nyt Norge” is nearly exclusively used for agricultural products outside the scope of the EEA Agreement. The Norwegian Ministry of Agriculture and Food wants to point out that the Agreement’s general provisions, as Article 11, are not applicable to agricultural products outside the scope.

In consequence of the above-mentioned, the Ministry considers the case-law also not applicable to Norway.

Yours sincerely,

Cathrine Steinland
Deputy Director General

Anne Felde Doser
Adviser

This document has been signed electronically and therefore it is not signed by hand