



ROYAL NORWEGIAN
MINISTRY OF AGRICULTURE AND FOOD

EFTA Surveillance Authority
35 Rue Belliard
BE 1040 Brussels

Your ref
CNo 76478 DNo 771780

Our ref
14/1982-

Date
01.10.2015

Subject: Letter of Formal Notice concerning the use of the brand *Nyt Norge*

Reference is made to Your Letter of Formal Notice of 8 July 2015 concerning the use of the brand *Nyt Norge* ("Enjoy Norway"). We also refer to our correspondence regarding a postponement of the deadline to reply from 8 September to 1 October 2015.

The Ministry has among other arguments, been of the view that the aim of the brand *Nyt Norge* is comparable to the brand *Enjoy! It's from Europe* which is established by the European Union.

We take note that the Authority in the above mentioned letter states that the Norwegian Government has submitted no arguments why these two brands are comparable. We further take note that the Authority seems to be of the opinion that in contrast to *Nyt Norge*, *Enjoy! It's from Europe* has not been established by one contracting party, but by all EU Member States on a collective basis.

According to public information from the European Commission the aim of the slogan *Enjoy! It's from Europe* is:

"to develop, explore and open up new markets for European agricultural and food products on the internal market and in third countries, and to increase consumer awareness of the efforts made by European farmers to provide quality products."

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The Ministry consider this aim to be more or less in total conformity with the aim of *Nyt Norge*, with the exception that *Nyt Norge* is by no means targeted at markets in third countries, neither to the European Union nor to others.

The Ministry may further underline that the two brands on the one hand are established and on the other hand partially financed, by two different and independent contracting parties to the EEA Agreement. i.e. the European Union in the case of *Enjoy! It's from Europe* and Norway when it comes to *Nyt Norge*. From the Ministry's point of view, there should be no doubt about the fact that *Enjoy! It's from Europe* is established by *one contracting party to the EEA Agreement*.

However, the Ministry take note of the Authority's assessment that the brand *Nyt Norge* constitutes a promotional measure, having equivalent effect to quantitative restrictions in breach of Article 11 of the EEA Agreement, insofar as products covered by the EEA Agreement are concerned.

Accordingly, Norway will change the scheme. The Ministry will secure that further use of the brand *Nyt Norge* will no longer be financed by any public funds for products covered by the EEA Agreement.

We are at present working together with Matmerk, who is the owner of *Nyt Norge*, and also with the relevant producers, to finalize a plan for the transition. All producers using the brand *Nyt Norge* on products covered by the EEA Agreement, have been informed.

For producers leaving the scheme, there may be a transitional period that allow for an end use of packaging labelled with the brand. Such a transitional period is mostly relevant for very small-scaled producers.

Yours sincerely,

Kristin Orlund
Deputy Director General

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Senior Adviser

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