

subcomponent of that program, the Export Incentive Program/Market Access Program (EIP/MAP). It also establishes the general terms and conditions applicable to MAP and EIP/MAP agreements.

(b) Under the MAP, CCC enters into agreements with nonprofit trade organizations to share the costs of certain overseas marketing and promotion activities that are intended to develop, maintain or expand commercial export markets for U.S. agricultural commodities and products. MAP participants may receive assistance for either generic or brand promotion activities. EIP/MAP participants are U.S. commercial entities that receive assistance for brand promotion activities.

(c) The MAP and EIP/MAP generally operate on a reimbursement basis, and CCC may, at its option, provide such reimbursement either in cash or in CCC commodity certificates.

(d) CCC's policy is to ensure that benefits generated by MAP and EIP/MAP agreements are broadly available throughout the relevant agricultural sector and no one entity gains an undue advantage. The MAP and EIP/MAP are administered by personnel of the Foreign Agricultural Service.

#### § 1485.11 Definitions.

For purposes of this subpart the following definitions apply:

*Activity*—a specific market development effort undertaken by a participant.

*Activity plan*—a document which details a participant's proposed activities and budget. (*Activity plan* is used in lieu of the term *Marketing plan* to avoid administrative confusion with plans submitted under the Cooperator Foreign Market Development Program.)

*Administrator*—the Administrator, FAS, USDA, or designee.

*Agricultural commodity*—an agricultural commodity, food, feed, fiber, wood, livestock or insect, and any product thereof; and fish harvested from a U.S. aquaculture farm, or harvested by a vessel as defined in title 46, United States Code, in waters that are not waters (including the territorial sea) of a foreign country.

*APAR*—activity plan amendment request.

*Attache/Counselor*—the FAS employee representing USDA interests in the foreign country in which promotional activities are conducted.

*Brand promotion*—an activity that involves the exclusive or predominant use of a single company name or logo(s) or brand name(s) of a single company.

*CCC*—the Commodity Credit Corporation.

*Contribution*—the cost-share expenditure made by a participant in support of an approved activity.

*Credit memo*—a notice that a vendor has decreased an amount owed for promotional expenditures at the time the notice is issued.

*Demonstration projects*—activities involving the erection or construction of a structure or facility or the installation of equipment.

*Deputy Administrator*—the Deputy Administrator, Commodity and Marketing Programs, FAS, USDA, or designee.

*Division Director*—the director of a commodity division, Commodity and Marketing Programs, FAS, USDA.

*EIP/MAP*—the Export Incentive Program/Market Access Program.

*EIP/MAP participant*—a U.S. commercial entity which has entered into an EIP/MAP agreement with CCC.

*Eligible commodity*—the agricultural commodity that is represented by an applicant.

*Expenditure*—either the transfer of funds, or payment via a credit memo in lieu of a transfer of funds.

*Exported commodity*—an agricultural commodity that is sold to buyers in, or is donated to, a foreign country.

*FAS*—Foreign Agricultural Service, USDA.

*Foreign third party*—a foreign entity that assists, in accordance with an approved activity plan, in promoting the export of a U.S. agricultural commodity.

*Generic promotion*—a promotion that is not a brand promotion.

*Market*—a country in which an activity is conducted.

*MAP*—the Market Access Program.

*MAP participant*—an entity which has entered into an MAP agreement with CCC.

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*Participant*—a entity which has entered into an agreement with CCC.

*Promoted commodity*—an agricultural commodity whose sale is the intended result of a promotion activity.

*Sales team*—a group of individuals engaged in an approved activity intended to result in specific sales.

*Small-sized entity*—a U.S. commercial entity which meets the small business size standards published at 13 CFR part 121, Small Business Size Regulations.

*SRTG*—an association of State Departments of Agriculture referred to as State Regional Trade Group(s).

*STRE*—sales and trade relations expenditures.

*Supergrade*—a salary level designation that is applicable to certain non-U.S. employees who direct participants' overseas offices.

*Trade team*—a group of individuals engaged in an approved activity intended to promote the interests of an entire agricultural sector rather than to result in specific sales by any of its members.

*Unfair trade practice*—an act, policy, or practice of a foreign government that:

(1) Violates, is inconsistent with, or otherwise denies benefits to the United States under, any trade agreement to which the United States is a party; or

(2) Is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce.

*U.S. commercial entity*—an agricultural cooperative, producer association authorized by 7 U.S.C. 291, or for-profit firm located and doing business in the United States, and engaged in the export or sale of an agricultural commodity.

*U.S. industry contribution*—the expenditure made by the U.S industry in support of an approved activity.

*USDA*—the United States Department of Agriculture.

[60 FR 6363, Feb. 1, 1995, as amended at 61 FR 32644, June 25, 1996; 61 FR 58780, Nov. 19, 1996; 63 FR 29940, June 2, 1998; 63 FR 32041, June 11, 1998]

### § 1485.12 Participation eligibility.

(a) To participate in the MAP, an entity:

(1) Shall be:

(i) A nonprofit U.S agricultural trade organization;

(ii) A nonprofit state regional trade group;

(iii) A U.S. agricultural cooperative; or

(iv) A State agency; and

(2) Shall contribute:

(i) In the case of generic promotion, at least 10 percent of the value of resources provided by CCC for such generic promotion; or

(ii) In the case of brand promotion, at least 50 percent of the total cost of such brand promotions.

(b) To participate in the EIP/MAP, an entity:

(1) Shall be a U.S. commercial entity that either owns the brand(s) of the agricultural commodity to be promoted or has the exclusive rights to use such brand(s);

(2) Shall contribute at least 50 percent of the total cost of the brand promotion; and

(3) That is a for-profit firm, other than a cooperative or producer association authorized by 7 U.S.C. 291, shall be a small sized entity.

(c) CCC may require a contribution level greater than that specified in paragraphs (a) and (b) of this section. In requiring a higher contribution level, CCC will take into account such factors as past participant contributions, previous MAP funding levels, the length of time an entity participates in the program and the entity's ability to increase its contribution.

(d) CCC may require an EIP/MAP applicant to participate through an MAP participant.

(e) CCC will enter into MAP or EIP/MAP agreements only where the eligible agricultural commodity is comprised of at least 50 percent U.S. origin content by weight, exclusive of added water.

(f) CCC will not enter into an MAP or EIP/MAP agreement for the promotion of tobacco or tobacco products.

[60 FR 6363, Feb. 1, 1995, as amended at 61 FR 58780, Nov. 19, 1996]

### § 1485.13 Application process and strategic plan.

(a) *General application requirements.* CCC will periodically publish a Notice