



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director-General
Directorates G, H and I

Brussels,
LMcde/ARESAagri.ddg3.g.2(2018)181971

Subject: National Support Programme in the Wine sector for the period 2019-2023 presented by Spain – Duration of an operation for the promotion of wine in third countries – your emails of 18 and 20 December and of 9 January

Our reference: Registration N° Ares(2018)152088

Dear Mrs Barrado Cabrera,

Thank you for your emails of 18 and 20 December and 9 January enclosing a request for interpretation concerning the maximum duration for the aid for the measure "promotion of wine in third countries".

Article 4 of Commission Delegated Regulation (EU) 2016/1149 states the following:

at "The support for each information and promotion operation shall last no longer than three years for a given beneficiary in a given Member State for the measure referred to in point (a) of Article 45(1) of Regulation No 1308/2013 and for a given beneficiary in a given third country or third country market for the measure referred to in point (b) of Article 45(1) of Regulation (EU) No 1308/2013.

However, if justified in view of the effects of the operation, the support for an operation may be extended once for a maximum of two years or twice for a maximum of one year for each extension."

Furthermore, Recital (8) of Commission Delegated Regulation (EU) 2016/1149 justifies this limitation as follows:

"In order to ensure that the largest number of operators can benefit from support and that information and promotion operations are as diversified as possible, this support should

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be limited to a maximum period of three years for the same beneficiary in the same third-country or third country market. Where the need for an extension is demonstrated in terms of consolidation of the information operation and of the penetration in that market, Member States should be allowed to authorise an extension for a total maximum period of two years."

Recital (10) explains further:

"As regards support for promotion in third countries, priority should be given to new promotion operations, in order to support operators who have not benefitted from the scheme before, or operators who want to open new markets in third countries. In order to support the penetration in third countries where imports of Union wine are not yet consolidated, Member States should be allowed to give priority to operators targeting emerging third- country markets."

Finally, in section 3.1.2 of the Guidelines¹ it is explained that once the three year period plus maximum two years is elapsed, the same beneficiary cannot submit an application for support for the same type of operation in the same market.

Therefore, DG AGRI considers that once an operator has benefitted from support for a promotion operation in a third country market for a 3-possibly 5-year period, the operator is no more eligible for support for the same operation in the same market, not even in a subsequent programming period. Referring to your example, DG AGRI is of the opinion that the beneficiary is not eligible for support for a sixth year for the same promotion operation in the same third country market.

Please note that it is up to Member States to ensure that their support programme reflects the principles and provisions of EU legislation. The Commission services, including the Clearance of Accounts Units, may raise remarks at a later stage.

The present opinion is provided on the basis of the facts as set out in your emails and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

A Spanish translation of this letter will be sent to you as soon as possible.

Yours sincerely,

p/p in absence of Rudy MOEGELE



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¹ Working Paper of 16/12/2016: Guidelines for the implementation of certain provisions of Commission Delegated Regulation (EU) 2016/1149 and Implementing Regulation (EU) 2016/1150 of 15 April 2016 on the National Support Programmes in the Wine Sector