



# State Aid for Agriculture, Forestry and Rural Areas

Regulation and Best Practice for National Funding, EAFRD and Financial Instruments

27-28 March 2017 | Brussels

## EXPERTS (in the order of appearance)

### **Phedon Nicolaides**

Professor at the College of Europe in Bruges and the Maastricht University, and Academic Director at lexion training

### **Helena Vangby**

### **Anna Foszczynski**

### **Ludmila Hamtcheva**

State Aid Unit, DG Agriculture & Rural Development

### **Neil Howard**

Head of Scheme Management, Rural Development Division Agriculture, Food and Marine Group, Welsh Government

### **Péter Staviczyk**

State Aid Attaché, Permanent Representation of Hungary to the EU, Brussels, Belgium

### **Merle Saaliste**

Head of the Rural Development Department, Ministry of Rural Affairs of the Republic of Estonia

## DAY 1

- Concept of State aid
- Framework of rules for State aid to agriculture
- Annex I and non-annex I products
- Parafiscal levies or charges on agricultural products
- Promotional measures for agricultural products
- Case study: adverse weather conditions

## DAY 2

- State Aid for forestry
- State aid and funding from EAFRD - Challenges from the view of a Managing Authority
- Financial instruments: loans and guarantees for rural development
- Case study: Setting-up a financial instrument in compliance with State aid law

## General information

### Current Challenges for Responsible Authorities

State aid rules for agricultural and rural development measures present the double challenge of implementing the general principles of competition and State aid law and having to guarantee coherence with the EU's common agricultural and rural development policies.

Our experts will give you a comprehensive overview on the concepts and rules applicable for the agricultural products and share with you their experiences on how to ensure compliance of your projects with the State aid law.

A special focus will be laid on the State aid requirements for the funding from the European Agricultural Fund for Rural Development (EAFRD) as well as on the loans, guarantees and other financial instruments for rural development.

### Methodology

The participants will be actively involved in the training. The sessions will combine presentations, case studies and discussion on practical problems. You will have ample opportunities to present your own problematic issues and discuss them with the speakers and participants from other Member States.

Just send to us your cases and questions in advance! We will forward them to our speakers, who will include your issues in the programme and answer them during the training. All information concerning such problems and cases will be treated confidentially.

### Participants will receive extensive materials:

- ✓ All presentations shown during the training (inclusive online access to all presentations after the training)
- ✓ Confirmations of Participation
- ✓ Selection of corresponding journals published by Lexxion



### Who should participate?

- Officials from Ministries involved in funding and co-financing and marketing of agricultural and forestry projects and products, such as:
  - Ministry of Agriculture
  - Ministry of Rural Development
  - Ministry of Forestry
  - Ministry of Regional Development
- Officials from National State Aid Monitoring Offices
- Experts working with the European Agricultural Fund for Rural Development (EAFRD) as well as with other EU Funds and programmes supporting rural development
- Experts from National Paying Agencies, Rural Development Funds, State Funds and Credit Guarantee Funds providing and supervising of national payments in the agricultural sector
- Experts from public and private banks providing loans and guarantees for agricultural and rural development projects
- Experts from farmers' associations and other agricultural organizations

### Why should you participate?

- ✓ Learn what the concept of State aid is and how it applies to the agricultural and forestry sectors and rural development measures.
- ✓ Get a detailed overview of the most important State aid regulations.
- ✓ Learn when the EAFRD-financed measures and financial instruments have to comply with State aid.
- ✓ Make sure that your projects and funding schemes are designed in compliance to State aid rules.
- ✓ Become an insight into the methods of assessment and handling the State aid cases by the DG Agriculture and Rural Development.
- ✓ Analyse your problems and discuss your questions with the acknowledged experts from the European Commission as well as public and private practice.

#### State Aid in the Agricultural Sector, April 2014

*A highly topical seminar taking account of the State aid modernisation + the new regulations with expert speakers from national governments and the Commission*

Ian Tomlinson, DEFRA (UK)

## Programme DAY 1

09:00 Welcome note by Lexxion and chair;  
Introduction of participants

*Phedon Nicolaides, College of Europe Bruges,  
Maastricht University, and lexxion training  
Academic Director*

### Concept of State Aid and Regulatory Framework

09:15 **State Aid and How it Applies to Agriculture -  
An Overview**

- EU system of state aid control
- The specificities of the agricultural sector
- Sector-specific compatibility rules
- The application of the Art 107 (1) TFEU criteria to the agricultural sector

*Phedon Nicolaides*

10:30 Coffee break & networking

11:00 **The Current Framework of Rules for State  
Aid in the Agricultural and Forestry Sector  
and in Rural Areas:**

- State aids in the context of the CAP
- Agricultural de minimis
- Agricultural Guidelines
- Agricultural Block Exemption Regulation (ABER)
- Substantive and procedural aspects

*Helena Vangby, Ania Foszczynski, Ludmila  
Hamtcheva, State Aid Unit, DG Agriculture &  
Rural Development, European Commission*

13:00 Lunch break

14:00 **Annex I and non-Annex I Products –  
Interpretation Challenges and Discussion  
Round**

*Ania Foszczynski  
Neil Howard, Head of Scheme Management,  
Rural Development Division Agriculture, Food  
and Marine Group, Welsh Government*

### Special Topics

14:30 **Parafiscal Levies or Charges on Agricultural  
Products: Existence and Compatibility of  
State Aid with the Internal Market Rules**

- Existence of state aid
  - Scope of Article 107(1)
  - Parafiscal charges
  - “Pearle” principles
- Compatibility of the aid
  - State aid
  - IM & taxation rules

*Phedon Nicolaides*

15:45 Coffee break & networking

16:15 **Promotional Measures for Agricultural  
Products – Best Practices**

17:00 **Case study:  
Adverse weather conditions**

*Péter Staviczky, State Aid Attaché, Permanent  
Representation of Hungary to the EU,  
Brussels, Belgium*

17:30 End of the day 1

### State Aid in the Agricultural Sector, April 2014

*An excellent course for experienced State aid  
practitioners.*

Colin Fletcher, Dept. Agriculture,  
Northern Ireland

*Excellent presentation of how and why  
agriculture is different from other State aid  
frameworks - But importantly how to  
manage that.*

Participant April 2014

## Programme DAY 2

### State Aid for Forestry

09:00 **Applicable Rules and Overview of Recent Cases**

*Ludmila Hamtcheva*

09:30 **Case study: Forestry Funding in Compliance with State Aid Law**

*Péter Staviczky, State Aid Attaché, Permanent Representation of Hungary to the EU, Brussels, Belgium*

10:30 Coffee break & networking

### State Aid and Funding from EAFRD

11:00 **Challenges from the View of a Managing Authority**

*Neil Howard, Head of Scheme Management, Rural Development Division Agriculture, Food and Marine Group, Welsh Government*

12:00 **Case study: Ensuring the Compliance of EAFRD with State Aid Law**

*Neil Howard*

12:30 Lunch break

#### Just send us your cases and questions in advance!

We will forward them to our speakers, who will include your issues in the programme and answer them during the workshop. All information concerning your questions and cases will be treated confidentially. As the number of participants is limited, participants will benefit from a maximum of exchange and discussion of their individual questions.

### Financial Instruments: Loans and Guarantees for Rural Development

13:30 **Application of State Aid Rules to Financial Instruments**

- General overview
- Application on different management levels
- Off-the-shelf instruments

*Ania Foszczynski*

14:00 **State Aid Regulations for Loans and Guarantees**

- Use of *de minimis* for loans and guarantees
- Loans, guarantees and risk finance guidelines

*Phedon Nicolaides*

14:30 Coffee break

14:45 **Case study: Financial instruments implemented under the Estonian Rural Development Programme (RDP)**

- General overview of the implementation scheme
- RDP measures involved
- Financial products available
- State aid rules applied

*Merle Saaliste, Rural Development Department, Ministry of Rural Affairs of the Republic of Estonia*

15:30 **Experiences and Problems with Compliance with State Aid Rules - Final Discussion and Future Outlook**

*Phedon Nicolaides*

16:00 End of the Training

## Experts

### Chair

**Phedon Nicolaidis**, Professor at the College of Europe in Bruges and the Maastricht University, and Academic Director at lexion training

Dr. Nicolaidis has been educated in the United States, the Netherlands and the United Kingdom and has a PhD in economics and a PhD in law. He has acted as consultant to a number of public authorities in various EU Member States and to international institutions and organisations such as the European Commission, the European Investment Fund, the European Economic and Social Committee, the OECD and the UN. He has published extensively on competition policy, State aid, and policy implementation. During the past 15 years, he has carried out training activities on State aid in most EU Member States.

### Speakers (in the order of appearance)

**Helena Vangby**, Senior Expert, State aid Unit, DG Agriculture and Rural Development, European Commission

Helena Vangby has for nearly 14 years been working as a lawyer in the Directorate in charge of legal matters in DG Agriculture and Rural Development at the European Commission. She started out as a legal officer dealing with issues related to CAP legislation, next became Simplification Advisor and is at present Senior Expert in the unit in charge of State aid. Prior to her work for the Commission, she worked as a legal reviser in the European Court of Justice. She also spent 3 years in the Swedish Ministry of Agriculture, where she was responsible for coordinating the CAP Health Check process at national level. Helena has an L.L.M. at the universities of Stockholm and Uppsala, completed by post-master studies in EU law at the University of Paris I.

**Ania Foszczynski**, Case Handler, State Aid Unit, DG Agriculture and Rural Development, European Commission

Ania Foszczynski has many years of work experience as a State aid case handler in the agriculture sector. She first joined the State aid unit of the Commission's DG Agriculture and Rural Development in 2004. In 2010 and 2011 she worked as political reporting officer for the Commission Representation in Vienna and re-joined DG AGRI's State aid unit in 2012. Ania was a member of the drafting team for the current State aid rules applicable to agriculture, forestry and rural areas and co-author of the 'Agriculture' chapter in Mederer/Pesaresi/van Hoof's book on State aid law (2008). Prior to joining the Commission she worked in the corporate finance department of an Austrian investment bank. Ania is an economist by training and holds a Master's degree in Commerce from the Vienna University of Economics and Business.

**Ludmila Hamtcheva**, Case Handler, State Aid Unit, DG Agriculture and Rural Development, European Commission

Ludmila Hamtcheva is Case Handler in the unit for Competition in the DG Agriculture and Rural Development at the European Commission. She was a Member of the team responsible for the

drafting of the Agricultural Block exemption regulation 2014-2020. Prior to this, Ludmila Hamtcheva was Director at the Ministry of Agriculture and Food in Bulgaria where she was involved in the implementation of different CAP measure at national level, e.g. direct payment schemes and market support measures, including promotion programmes. Earlier tasks included policy coordination at the administration of the Council of Ministers of Bulgaria as well as working as Legal Expert at the Ministry of Agriculture in Bulgaria.

**Neil Howard**, Head of Scheme Management, Rural Development Division Agriculture, Food and Marine Group, Welsh Government

Neil Howard is Head of Rural Programmes and Senior Agriculture and Fisheries State aid Advisor in the Agriculture, Food and Marine Group in the Welsh Government. As part of the Managing Authority and Paying Agency he is responsible for the socio-economic measures of Rural Development Programme 2014-2020 and for European Maritime and Fisheries Fund. Neil manages a delivery team that covers two funds and several measures across the complete project life cycle and provides advice and support on State aid matters within Welsh Government but also externally to other public bodies and third sector organisations. Earlier he held the positions of with responsibility for food policy, including supply chain development; and looked at demarcation between the Structural Funds support and the rural programmes for the 2007-2013 period. In the years 2000-2006 Neil was Head of EAGGF / FIGG Funds in the Objective 1 Programme having joined Welsh European Funding Office (WEFO). In 1985 - 2000 he acted as Head of IT Systems Development in the Department of Agriculture, Welsh Office where he introduced administrative ICT systems for the CAP support programmes in Wales.

**Péter Staviczky**, State Aid Attaché, Permanent Representation of Hungary to the EU, Brussels, Belgium

Studied law at the Pázmány Péter Catholic University Faculty of Law (1996-2001) and Comparative Law at the International Faculty of the University Robert Schuman Strasbourg (1999-2002). He did a banking-lawyer postgraduate training (2000-2002) and took part in the common European specialist course of the Ministry of Foreign Affairs and the French École National d'Administration in spring 2002. He has been working at the State Aid Monitoring Office in Budapest since 2001. In 2007, he was appointed as head of the unit. He is a regular speaker at the seminars on State aid. Since January 2011 he is the attaché responsible for State aid at the Permanent Representation of Hungary to the EU in Brussels.

**Merle Saaliste**, Head of the Rural Development Department, Ministry of Rural Affairs of the Republic of Estonia

Merle Saaliste has been working at the Ministry of Rural Affairs since 2004. In 2016 she was appointed as the head of department. Earlier tasks included development and implementation of the financial instruments and the reference price catalogue for the agricultural support measures under the RDP 2014-2020 and before that she was responsible for elaboration of RDP 2007-2013 measures for producer groups and for processing of agricultural products.

## State Aid for Agriculture, Forestry and Rural Areas 27 – 28 March 2017 | Brussels

### Registration

#### Venue

Management Center Europe - Conference Center  
Rue de l'Aqueduc 118 | 1050 Brussels, Belgium

#### Participation fee

- YES, I would like to participate for the reduced fee for public authorities **EUR 1090,00** (excl. VAT).
- YES, I would like to participate for the regular fee of **EUR 1590,00** (excl. VAT).
- YES, I am European State Aid Law Quarterly (EStAL) subscriber (10% discount applicable).

*The Belgian VAT of 21% will be added where applicable.*

*The participation fees include the workshop material, drinks and snacks during the breaks and lunch.*

#### Newsletter subscription

- Please send me information about State Aid issues for free. I may unsubscribe from this service any time.

#### Cancellations

Cancellations should be made in writing per post or fax. Please note that the full fee will be charged for cancellations received after 13 March 2017. Nomination of a substitute remains possible. A cancellation arising by reason of too small a number of participants is effected no later than two weeks prior to the seminar. In this case the participation fee will be refunded. A requirement for reimbursement of travel and accommodation expenses as well as loss of working hours is not possible, unless such costs result from wantonly negligent or deliberate behaviour on the part of the organiser. For more detailed information, scope and conduct of contract as well as cancellation policy, please check the Terms & Conditions on our website.

#### Please register with:



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### Upcoming events

#### EStAL Workshop: The Rights and Duties of State Aid Beneficiaries 16-17 March 2017 | Lissabon, Portugal

Within the State Aid Modernisation (SAM) package, new guidelines, a new GBER and a new procedural regulation have been introduced. The question of third parties' rights and duties, though, remains to be a procedural aspect that has not yet been clarified sufficiently. Our intensive workshop will shed light on exactly this alleged gap: the rights and duties of State aid beneficiaries from the intention to grant an aid via judicial protection for competitors to the recovery of aid and judicial protection of the beneficiary.

#### EStAL Seminar 2017: Public Authorities as Economic Actor 20-22 April 2017 | Feldafing, Lake Starnberg (near Munich), Germany

The EStAL Seminar 2017 will provide an in-depth examination and discussion of the most important topics pertaining to economic and non-economic activities and the question of how to treat a public authority performing as economic actor:

Session I: Public Authorities between Economic and Non-Economic Activities  
Session II: Practical Challenges: In-house Separation, State Guarantees and Recovery  
Session III: How to Apply the Market Economy Operator Test?  
Session IV: Sectors Close to the Boundary: Utilities, Infrastructure, Health and Social Security  
Session V: Problem-Solving Session, Practical Cases & Final Discussion Round