**Comments of Greece regarding the draft Commission Regulation amending Commission Regulation (EU) No 1408/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector**

The Greek authorities would like to thank the Commission for preparing the draft Regulation amending Commission Regulation (EU) No 1408/2013 regarding de minimis aid in the agricultural sector.

We welcome the Commission’s proposal to increase the individual ceiling of de minimis aid in the agricultural sector to 37.000 EUR as well as the proposal regardingthe adjustment of the national caps.

We also welcome the alignment with the provisions of the general De Minimis Regulation 2023/2831 and SGEI De Minimis Regulation 2023/2832 concerning the 3-year period to be taken into account for cumulation purposes as well as the provisions regarding the central mandatory register.

Nevertheless, especially regarding the cumulation rules, we would like to point out the following important issues:

***- Regarding the revision of par. 2 of Article 5:***

From the wording of the draft Regulation, we understand that, where an undertaking is active in both the agricultural sector and the fishery and aquaculture sector, de minimis aid granted in the agricultural sector may be cumulated with de minimis aid for fishery and aquaculture up to the ceiling laid down in the De Minimis Regulation in the fishery and aquaculture sector (Reg. 717/2014). This ceiling is set to a maximum amount of 30.000 EUR per undertaking over a period of three fiscal years (article 3, par. 2 of Reg. 717/2014), whereas according to the proposed amendment of Regulation 1408/2013, the respective ceiling in the agricultural sector is increased to 37.000 EUR per undertaking over any period of three years (article 3, par. 2 of the proposed draft Regulation).

In our view, the cumulation up to the lower ceiling is contrary to the Commission’s practice so far and should be revised so that the cumulation of aid granted in these two different sectors may be possible **up to the highest available threshold**. In order to achieve this, Article 5, par. 2 of the draft Regulation under examination should be revised as follows:

“*Where an undertaking is active in the primary production of agricultural products as well as in the fishery and aquaculture sector, de minimis aid granted for activities in the sector of agricultural production in accordance with this Regulation may be cumulated with de minimis aid for activities in the latter sector in accordance with Regulation (EU) No 717/2014 up to the ceiling laid down* ***in Article 3(2) of this Regulation****, provided that the Member State concerned ensures, by appropriate means, that the primary production of agricultural products does not benefit from de minimis aid granted in accordance with Regulation (EU) No 717/2014*.”

Alternatively, should the Commission plan to launch in the immediate future an amendment of Regulation 717/2014, including an increase of the maximum amount of de minimis aid laid down therein, we consider it necessary to add a transitional provision in the proposed draft Regulation amending Commission Regulation (EU) No 1408/2013 that will ensure the possibility of applying the highest available ceiling until the entry into force of the revised De Minimis Regulation in the fishery and aquaculture sector.

***- Regarding the addition of par. 2(a) in Article 5:***

Pursuant to the provisions of Article 5, par. 1 of the SGEI de minimis Regulation 2023/2832 according to which *“De Minimis aid granted in accordance with this Regulation may be cumulated with de minimis aid granted in accordance with other de minimis Regulations”*, no ceiling is applied in cases of cumulation with any other de minimis aid, i.e. aid granted under Regulations 2831/2023, 1408/2013 and 717/2014.

Thus, the Commission’s proposal regarding the new par. 2(a) of Article 5, which stipulates that *de minimis aid in the agricultural sector may be cumulated with SGEI de minimis aid up to the ceiling laid down in the SGEI De Minimis Regulation* (currently 750.000 EUR), is inconsistent with the aforementioned provisions of the SGEI de minimis Regulation.

Therefore, for the sake of consistency, we believe that paragraph 2(a) of Article 5 should be revised accordingly, **so that the cumulation of de minimis aid in the agricultural sector with SGEI de minimis aid will not be subject to a ceiling.**

As a final remark (also included in our remarks before the adoption of the general de minimis regulation), we would also like to comment on the provisions of par. 2, Article 6, according to which member states shall register the information regarding de minimis aid within 20 working days following the granting of the aid. There is a concern that in case new aid is granted within this period of 20 working days, the cumulation thresholds may be exceeded, since the information for these 20 working days will not be registered. Therefore, we think that further guidance would be needed so as to examine ways to adequately address this issue.