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The Analysis of State Agrarian Policy, Support Programs, Laws and Legislative Acts Regulating Viticulture in RA: Existing Problems and Their Solutions

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ABSTRACT

This article presents a comprehensive analysis of the state agrarian policy, laws, and legislative acts regulating the viticulture sector of RA. An analysis of the strategic documents, legislative documents regulating the sector, laws, normative legal acts, and other documents related to state policy was conducted. Obtaining results led to the conclusion that the legislative acts regulating the sector need to be updated and, in some cases, amended. In addition, the control mechanisms of the sector have gaps in law enforcement. There is no strategic document aimed at viticulture development, and existing policy measures and programs are not properly implemented and are ineffective. The article concludes with recommendations aimed at alleviating the issues revealed by this research.

Introduction

State policy and regulation are very significant in ensuring the regular operation and development of any sector of the economy. Under the influence of their peculiarities, priorities, characteristics, and external and internal factors, countries adopt certain financial policies. This becomes the main environment in which various economic activities operate. The state forms a certain legislative framework regulating economic sectors, defines taxation systems, and implements support measures that directly and indirectly affect economic sectors' development. The viticulture complex is one of the most important and strategic sectors of the RA economy. Alcoholic beverages obtained from grape processing were in second place among the products with the highest customs

value exported from RA in 2021. These are products with comparative advantages in international trade, and viticulture provides a high level of employment in rural areas (Asatryan, 2022). The main goal of the research is to analyze the state policy in the field of viticulture of RA. This will allow us to assess the existing opportunities, and threats, as well as highlight the strengths and weaknesses of the state policy.

There is a rich literature about EU and US viticulture complex regulations. In particular, the researchers note that in the EU the sector is subject to very strict regulation, while in the USA this regulation is carried out in the scope of individual states (Bradley, et al., 2018). According to the EU wine policy, the EU has the strongest regulated wine market in the world (Deconinck and Swinnen, 2015). Today's European wine

policy is centered on a system of appellations, implemented as geographical indications (GIs), that entail significant technological regulations restricting the varieties grown while imposing maximum yields per hectare and other rules regarding grape production and winemaking practice (Alston and Gaeta, 2021).

Interestingly, even due to such strict regulations, EU wine policy has not always had a positive effect. Researchers point out that some components of EU wine policy have caused certain distortions instead of solving them (Meloni and Swinnen, 2012). Restrictions on planting rights are among such controversial regulations, which were introduced in 2007. After causing large controversies the restrictions were lifted in 2018 (Deconinck and Swinnen, 2014). This indicates that even in developed countries with a long history of state policy development, problems may arise regarding state policy's effectiveness. Regardless of the country's level of development, geographical location, and demographic characteristics, the state policy should be subject to constant monitoring and respond flexibly to changing economic conditions and sectoral priorities.

Materials and methods

In this research, all state policy documents related to viticulture were comprehensively studied. Specifically, "The Strategy of the Main Directions Ensuring Economic Development in the Agricultural Sector of the Republic of Armenia for 2020-2030", and "Action plan 2020-2022 for the implementation of the strategy of the main directions ensuring economic development in the Agricultural sector of the RA for 2020-2030", the reports of that action plan and state support programs were all analyzed. In the context of legislative regulation, the laws and legislative acts that regulate the viticulture complex were analyzed. All the necessary data were obtained from the official websites and reports of the RA Ministry of Economy, the Legal information system of Armenia, and other related departments.

Results and discussions

According to the law of RA about alcoholic beverages based on grape raw materials, the grape-growing regions in Armenia

are Ararat, Armavir, Aragatsotn, Kotayk, Lori, Tavush, Vayots Dzor, Syunik, and Yerevan wine-growing regions. The main part of vineyards – 73 % – is located in the Armavir and Ararat regions, where technical brandy varieties of grapes are cultivated. According to the data of the Statistical Committee of the RA, there are 66.591 grape-producing farms in Armenia, of which 46.321 are farms with a size of up to 0.1 ha (69.6 % of the total). Table shows the dynamics of the main viticulture indicators of Armenia from 2017 to 2021. Gross grape harvest and average yield increased over the years, and that is conditioned by the proper cultivation of grapes by farmers and favorable climatic conditions. The vineyard areas, though, started to decrease. Studies show that farmers demolish their vineyards, and it is mainly conditioned by the very low selling prices of grapes (Asatryan, 2022).

In comparison wine and brandy production volumes as well as export volumes are increasing. Figure shows the dynamics of production volumes for wine and brandy products. Both have a steady growth trend except in 2020 when the global pandemic halted most industries' production and trade. Overall the analysis of the grape, wine, and brandy sectors of the viticulture complex reveals that the development of the complex is described by a growth trend. This was a summary of the current state of viticulture. Now let's discuss the main topic of this research – state policy and legislative framework regarding viticulture. According to the Ministry of Economy of RA, one of the landmark documents of RA agrarian policy is "The Strategy of the Main Directions for Ensuring Economic Development in the Agricultural Sector of the Republic of Armenia for 2020-2030".

The strategy's vision for the next ten years is to have sustainable, innovative, high value-added agriculture in harmony with the environment, ensuring the care of natural living in the village. The Strategy outlines the key priorities of the RA agricultural policy, defines the scope of priority issues, as well as the Action Plan for the implementation of the Strategy for 2020-2022. Within the framework of the mentioned policy document, among the programs to be implemented in RA in the medium-term period, measures for viticulture development are included. Part 29.1 of the strategy is directly related to viticulture. The "D" subsection of point 3 aims to introduce an updated pricing system for milk, grapes, and other products, which will be based on quality standards. In essence, the proposal is very relevant, because of the complicated and controversial situation related to grape pricing, which has been discussed many times (Linda Bitsch, et al., 2022). The part of the strategy, called "Form 2", also presents the target indicators of agriculture, which will be achieved by the implementation of the strategy. In particular, the average yield of grapes is planned to increase from 12.0 tons/ha to 15.1 tons/ha and the target figure of 273 thousand tons is set for the gross harvest of grapes. The next document analyzed within the framework of the research is "Action plan 2020-2022 for the implementation of the strategy of the main directions ensuring economic development in the agricultural sector of the RA for 2020-2030".

Table. The main viticulture indicators in RA, 2017-2021*

2017		2018		2019		2020		2021	
	%		%		%		%		%
Vineyard areas. ha									
15814	100	16099	100	16497	100	16681	100	16524	100
Gross Grape Harvest. thousand tons									
210.0	100	179.7	100	217.5	100	283.2		237.1	100
Average Yield. tons/ha									
14.14		12.01		14.61		18.93		15.79	

*Composed by the authors (www.armstat.am).

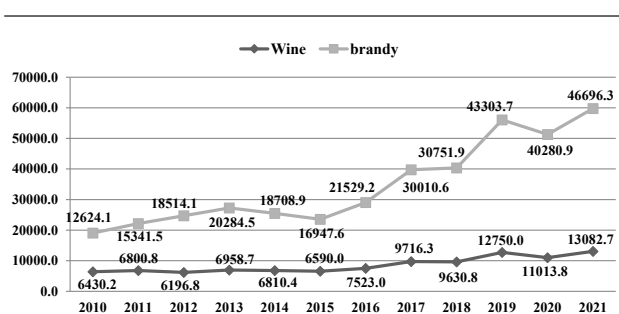


Figure. The dynamics of wine and brandy production volumes (thousand liters), 2010-2021 (www.armstat.am).

The program M15 is titled “Introduce a new pricing system for milk, grape, etc. based on the quality standards”. This program expects to achieve the inclusion of relevant regulatory provisions in the Draft Law of the RA on Agriculture Activity:

- Draft Decree of the RA Government
- Definition of a mandatory requirements for the pricing calculation method
- Definition of a pricing method.

According to subsection M15-5 of this program, the established pricing system should be enforced in 2021. In 2022, the financing of the monitoring of the implementation of the established pricing system should be done. On the official website of the Ministry of Economy, two reports were published about the implementation of strategic measures. The 2020 (IV quarter) report on measures implementation states: The Ministry of Economy applied to the South Korean Development Fund for the development and implementation of the pricing system for milk, grapes, etc... Within this program, experts visited Armenia in February 2020. In November of the same year, a joint research program was developed, and the Powerpoint version was presented. The first trimester of 2021 was considered the expected start date for the project. The results report states: “During the mission, assessment of needs, transfer of information, and development of a new pricing system mechanisms were carried out”.

The next report chronicles the state of strategy implementation in 2021. This report mentions the following progress in implementation: “To introduce a new pricing system for milk, grapes, etc., within the KAPEX program of the South Korean Development Fund, the technical tasks of the joint research were developed and mutually agreed upon, and then the relevant documents were signed. The implementation of the process started in April 2021.” For 2022 there are no reports. This program was promising in its nature, and if applied, it could introduce regulation in grape pricing in RA. However, in 2022, the grape procurement process was the same as in previous years. In terms of priorities in the strategy, some points will also, even if indirectly, impact the development of the viticultural complex. For example, the priorities “Export Diversification” and “Commercialization and value-add

activities” directly relate to the sale of brandy, wine, and fresh grapes. In particular, the following objectives and measures are distinguished in the scope of these priorities:

- Supporting market opening, investment attraction, and export promotion
- Developing tools to increase agricultural investment opportunity
- Developing and implementing the “Adding value to the products” program
- Promoting well-organized agro-wholesale, retail, and farmer’s markets
- Fostering cooperation, aggregation, and value chain integration.

The achievement of the listed objectives will have a positive impact on the development of the entire viticulture complex. The implementation of the above-mentioned measures in all links of the grape-wine-brandy chain will lead to the solution of sales problems and the stabilization of the sector’s development dynamics.

In the context of state policy, the next link is the “State support programs in agriculture” implemented in RA, which refers to the viticulture complex. As of June 2023, 13 state support programs are operated. The first of the programs related to the viticulture complex is the “State assistance with leasing for financial lending of agri-food equipment in the RA”, which can be used by grape processing companies, wine producers, brandy producers, etc... The next one is “Subsidizing interest rates on loans provided to the agricultural processing sector for the purchase (acquisition) of agricultural raw materials”. The latter was very helpful in 2020 when the sector was paralyzed by an unprecedented grape harvest. The implementation of this program partially alleviated the situation, but grape procurement problems for the following years 2021 and 2022 were not resolved, and this program mitigated the situation for the time being but did not completely resolve it. The last of state support programs refers to assistance with vineyards establishment with modern technologies. In the past, there was also a program of subsidizing loan interest rates, when loans given for grape cultivation were subsidized, or loans were given on preferential terms. According to the report published by the Ministry of Economy, in 2018-2021, 539 hectares of intensive vineyards were established within the framework of this state support program. The state assistance programs for the implementation of insurance systems in the agricultural sector, co-financing, the introduction of modern irrigation systems, and hail protection nets in the agricultural sector of the RA are partially related to grape production and their efficient implementation could positively affect viticulture development. As a result of surveys conducted among grape growers in the Armavir region, the following feedback was received regarding these programs (surveys were carried out by the author):

- When asked whether they use crop insurance or not, only 20.3 % of grape growers answered yes. Some indicated that they would not use it again in the future. According to the Ministry of Economy of RA in 2022 the overall insured vineyard area was 340 hectares, which is only 2 % of total

vineyards (Source: “State support programs in agriculture, 2022 annual report”, page 19).

- When asked if they are aware that there is a state support program for vineyard establishment and have used or will use this program or not, 46.3 % of grape growers stated that they are aware that such a program exists. Only 1.6 % of respondents have ever benefited from this program.
- Only 1.9 % of respondents use modern irrigation systems and only 2.5 % use hail protection nets.

In our assessment, state support programs regarding viticulture need revision and readdressing. These programs should be problem-oriented and solve specific problems of viticulture. For example, the loan subsidy program for grape purchases contributes to easing processing companies’ financial difficulties, but it is still not sufficient for that company to increase its procurement volumes, or set such prices that will benefit grape producers. In the same way, within the vineyard establishment program, loans are provided to establish 0.5-10 ha vineyards. However, what are the justifications for these vineyard sizes? It has been repeatedly discussed that one of the weaknesses and threats of the RA agrarian sector is the small farms. Therefore, optimal vineyard sizes for grape producers should be determined, in which case maximum efficiency is ensured. This should be derived from the enlargement of RA lands and the effective use of land resources. If one of the priorities of the strategy of the RA agrarian sector is the optimization of farm sizes and their more practical use as a result of land enlargement, then the scientifically based definition of their sizes in support programs will be the first step towards increasing land resource efficiency. In other words, these programs should be aimed at solving concrete, relevant and current problems, rather than merely serving senseless economic growth in the agricultural sector. This is not combined with economic development.

The main laws and legislative acts regulating the viticultural complex in RA are:

1. Law of RA about alcoholic beverages based on grape raw materials
2. Establishing a quarantine to prevent the phylloxera penetration in regions free of grape phylloxera infection
3. Defining the borders of phylloxera-free and phylloxera-infected regions of grape cultivation and the list of phylloxera-resistant grape varieties
4. Defining grape varieties intended for the production of Armenian cognac, brandy, and grape vodkas and the minimum amounts of natural alcohol in the wines
5. Defining the aging procedure for Armenian cognac, brandy spirit, and grape vodka distillate
6. Deciding to set the terms and procedure for the distillation of Armenian cognac and brandy wine material, raw alcohol, spirit water, aromatic water, and grape vodka
7. Recognizing a state-authorized body to ensure the enforcement of the RA Law about alcoholic beverages based on grape raw materials
8. Defining the procedure for declaring wine product residues, grapes used to produce wine products with

geographical indication, and quantities of wine products with geographical indication

9. Defining the technical requirements for the distillation of Armenian cognac and brandy wine material, raw alcohol, spirit water, aromatic water, and grape vodka
10. The decision of the RA Prime Minister on measures of the implementation of the RA Law about alcoholic beverages based on grape raw materials
11. The order of the Minister of Agriculture of the RA on the approval of the amount of actual (natural) losses arising during the storage and transportation of grapes and fruit juices, wine materials, and wines, to be deducted from the gross income for taxation purposes
12. Law of the RA on State Duties
13. Law of the RA on Activity Implementation Notification.

The main legislative act regulating the sector is the Law of RA about alcoholic beverages based on grape raw materials. The other listed legal acts mostly derive from this law and ensure its more detailed and thorough regulation. The law regulates different relations that arise during the cultivation of grapes for winemaking, sale and production, processing, labeling, and marketing of alcoholic beverages made from grapes. The law distinguishes:

- State regulation of the sector
- Basic concepts related to the sector
- Viticulture grape-producing and winemaking are defined
- Classification of wines, attenuating methods, processing, technical requirements, and geographical indications
- Definitions of Armenian cognac, brandy, and grape vodka
- Issues of labeling and marketing of alcoholic beverages based on grape raw materials
- Requirements for the production and purchase of wine products with a geographical indication
- Certification of compliance and state control in the field, etc.

In our opinion, the specification of the requirements for the production of wines with geographical indication for Armenian cognac and brandy in the law is remarkable. These are the provisions of the law, in respect of which manufacturers often commit violations. Proper control of that by authorized bodies is very important for the sustainable development of the sector. The problem is that the law clearly defines that wines with a geographical indication must be made from grape varieties produced in a specific region and even defines the maximum output of wine and the yield of grapes per 1 ha. In many cases, producers violate the established rules and release wines with a geographical indication, which, however, does not meet the specified requirements. Control over the observance of the rules will allow preventing illegal actions by processing companies, which are related to the exaggeration of procurement volumes, the unnecessarily low setting of the price of the procured grapes, etc. In addition, article 49 of the law stipulates that grapes for the production of wine products with a geographical indication must be purchased under a contract between the grape producer and the wine product manufacturer before the start of the cultivation season. Ensuring the implementation of this part of the law is very

important in solving the procurement problems of grapes. In the same way, the law stipulates that Armenian Cognac and Cognac spirit must be produced only from grapes produced in the territory of the RA. In other words, if the product shipped by the distributor bears the name of Armenian Cognac, Cognac, or is sold as Cognac spirit, then that product cannot contain raw wine produced and imported outside the territory of the RA. If imported raw materials are used in the content of a product, then the product must be called brandy. The strict control and observance of these rules will allow preventing possible violations by brandy-making organizations.

There are many cases when brandy producers complain that they lack the production capacity and financial means to procure all the produced grapes. Instead, they import raw grape spirits produced abroad at low prices and sell the product obtained from them under the name of Armenian Cognac. State-authorized bodies should strictly supervise these provisions since they directly affect grape procurement and market competition. State control over labeling is a top priority too. Regarding the marking of wines and brandy products, it is clearly defined that such information which can create a false impression and mislead consumers should not be used during labeling. It should be noted that companies in the sector often violate this provision, and the Commission recorded many such cases.

According to the RA Government's decision N 1058 of September 17, 2009, the Ministry of Agriculture was recognized as the state-authorized body for the implementation of some provisions of the Law of RA about alcoholic beverages based on grape raw materials. Currently, RA does not have a Ministry of Agriculture. It has been merged with the Ministry of Economy and it is unclear if those liabilities have also been transferred to the Ministry of Economy or not. Therefore, the Law has some gaps regarding the definition of an authorized body. Regarding specific articles and provisions, it is not defined which state institution can act as a state-authorized body.

According to the RA Government's decision N 646 of June 23, 2016, the Vine and Wine Foundation of Armenia (VWFA) was established. The VWFA's purpose is the efficient and coordinated development of the sector, as well as the introduction of new strategies for state policy and developmental programs (www.vwfa.am). In countries with well-developed wine industries, various state bodies operate that deal with the regulation of the viticulture sector, in parallel with the Ministry of Economy or Ministry of Agriculture. For example, at the federal level in the USA, that body is the Alcohol and Tobacco Tax and Trade Bureau ("TTB"). TTB collects taxes on alcohol, tobacco, firearms, and ammunition, protects the consumer by ensuring the integrity of alcohol products, ensures only qualified businesses enter the alcohol and tobacco industries and prevents unfair and unlawful market activity for alcohol and tobacco products. In the case of the EU, there is a whole list of national and regional bodies that ensure compliance of laws and rules in the field of viticulture in the EU member states with the laws established by the Union. In Argentina, since 2000, large winemaking

organizations, together with the Government of Mendoza, the National University of Chuyo, and the National Institute of Agricultural Technology, began working on the development of a strategic plan for the wine industry and, as a result of a heated compromise process, adopted "National Law 25849", which created the Argentine Wine Corporation (COVIAR). The latter is a public, non-governmental organization, whose central mission is the management and coordination of the Strategic Plan of the Wine Industry 2020. According to the Law of the RA on Activity Implementation Notification, engaging in the production of grape wine and brandy is considered a type of activity subject to notification. A state fee is charged for engaging in these types of activities, which is 25,000 AMD for grape wine (www.arlis.am). As for cognac/brandy, the situation is a little different. In 2018, after the relevant amendments and additions to the Law of the RA on State Duties, the number of state duties for the production, sale, and import of brandy products up to 100 thousand liters (calculated with 100 percent alcohol) was set at 10 million AMD. Those changes were a significant step in the background of the previous regulations. This is because in the past the amount of duty was 15 million AMD, and there was no state duty for brandy imports. These new changes contributed to creating more favorable conditions for domestic producers. However, in our opinion, the current 10 million state duty should be reduced. This issue was also addressed by the Commission. Its sectoral study emphasizes the review of the state duty amount for the right to produce and import cognac/brandy. In our opinion, a review should be carried out only regarding the duty of acquiring the right to produce cognac/brandy. There is no need to change the state duty on imports. In this case, only local production will be promoted, and the risk of importing cheaper foreign brandy and cognac (which could harm local producers) will be limited. As a result of the revision of state duties it was stated that:

- Equal competitive conditions will be created for companies engaged in the production of brandy/cognac and brandy spirit. Other small companies will start producing brandy/cognac, which will decrease concentration levels on the market. This will reduce the risk of a dominant position by any market participant
- The emergence of new companies in the industry will increase grape demand, which will solve the grape procurement problem. In particular, it will contribute to the increase in the prices of grape procurement, the increase in the level of marketability of grapes, and the timely execution of payments for procurement. In the "Results of the study conducted in the field of cognac turnover" (carried out by the Commission), the following problems were pointed out (www.competition.am).
- Some companies in the brandy industry produce so-called "Armenian special drink", "Armenian original drink", "Armenian strong drink" and other products with similar names, which consumers identify with cognac and brandy.
- The negative impact of the requirements established by the RA State Duties Law on the competitive environment of the brandy industry.
- Cases of the possible use of non-Armenian spirits for the production of Armenian cognac by some companies in the

brandy industry were registered.

- Lack of mechanisms for proper control over the implementation of the Law of RA about alcoholic beverages based on grape raw materials.

Conclusion

Taking into account the results of analyses carried out in this research we concluded that there is no single, wholesome state policy regulating the sector. The state policy is expressed in the strategy of the agrarian sector and the measures and state support programs are included in it. There are several issues in terms of strategy, measures, and support programs. State implementation of strategic measures is not adequate and support programs are not effective enough. Regarding the legislative regulation in the viticulture, there is an imperative to add and change the laws. The current law comprehensively addresses various issues of sector regulation, but there is a need for some clarifications regarding the state authorities, as well as the prices of grape procurement and the organization of procurement processes. A serious problem is the lack of proper control over the implementation of the viticulture legal framework. On the one hand, low loopholes do not clearly define the levers of control over enforcement. On the other hand, this control is not ensured. To alleviate existing issues and contribute to viticulture development in RA, the following recommendations were made:

- Reviewing the state fee for granting the right to produce brandy
- Adding new components to state support programs aimed at promoting cognac and wine production, so new producers enter the wine market
- Amending the Tax Code to establish a preferential tax regime for small businesses engaged in wine and brandy production
- For the improvement of the control mechanisms of the state regulation we propose to establish a state inspection body, which will perform the following functions:

- Supervision of procurement activities to prevent violations of laws by processing companies
- Strict control of technological processes of production of wines with GI, Armenian brandy, brandy spirit
- Continuous monitoring of the whole viticulture sector (including grape production, wine, and brandy industries) to reveal existing problems and develop measures aimed at solving them
- Cooperate with the Commission and the Food Safety Inspection Body of the RA within its activities.

The scientific novelty of this research article lies in the fact that by comprehensively studying state policy, state support programs, and the legislative framework regulating the RA viticulture complex, the existing issues have been highlighted and practical recommendations for their improvement were provided.

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