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PUBLIC VERSION

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**Subject: State Aid SA.110523 (2023/N) – Slovakia**  
**TCTF: Aid to undertakings in the form of a guarantee and partial rebates of loan principals (amendment to SA.109598)**

Excellency,

**1. PROCEDURE**

- (1) By electronic notification of 1 December 2023, Slovakia notified the amendment (the ‘notified amendment’) to the following existing aid scheme (the ‘existing aid scheme’) which the Commission approved under the Temporary Crisis and Transition Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (the ‘Temporary Crisis and Transition Framework’) <sup>(1)</sup> by decision in case SA.109598 (2023/N) (Aid to undertakings in the form of a guarantee and partial rebates of loan principals) <sup>(2)</sup> (the ‘initial decision’).

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<sup>(1)</sup> Communication from the Commission on the Temporary Crisis and Transition Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia (OJ C 101, 17.3.2023, p. 3), as amended by Commission Communication C(2023)8045 (OJ C1188, 21.11.2023, ELI: <http://data.europa.eu/eli/C/2023/1188/oj>).

<sup>(2)</sup> Commission Decision C(2023) 791 of 17 November 2023 concerned both cases SA.109597 (2023/N) and SA.109598 (2023/N) however only the latter is subject of the above-mentioned notified amendment.

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- (2) Slovakia exceptionally agrees to waive its rights deriving from Article 342 of the Treaty on the Functioning of the European Union ('TFEU'), in conjunction with Article 3 of Regulation 1/1958 <sup>(3)</sup> and to have this Decision adopted and notified in English.

## **2. DESCRIPTION OF THE NOTIFIED AMENDMENT**

- (3) The objective of the existing aid scheme is to remedy the liquidity shortage faced by undertakings that are directly or indirectly affected by the serious disturbance of the economy caused by the Russian aggression against Ukraine and its direct and indirect effects, including the sanctions imposed and the counter-measures taken, for example by Russia.
- (4) As set out by the initial decision, the estimated budget of the existing aid scheme amounts to EUR 264 million. Of this amount EUR 105 million is allocated for guarantees and EUR 159 million is allocated for partial rebates of the principal of guaranteed loans.
- (5) Slovakia proposes to amend the existing aid scheme as follows:
- (a) to prolong the duration of the existing aid scheme SA.109598 concerning the part of the scheme in relation to section 2.1. TCTF from 31 December 2023 to 30 June 2024;
  - (b) to increase the overall maximum aid amount per undertaking that may be granted under the existing aid scheme SA.109598 from EUR 2 million to EUR 2.25 million, from EUR 250 000 to EUR 280 000 per undertaking active in the primary production of agricultural products and from EUR 300 000 to EUR 335 000 per undertaking active in the fishery and aquaculture sectors <sup>(4)</sup>;
  - (c) to ensure that, where an undertaking is active in several sectors under point (b) in this paragraph, the relevant ceiling for each of those activities is respected and that the overall maximum amount of EUR 2.25 million is not exceeded per undertaking. Where an undertaking is active exclusively in the primary production of agricultural products, fishery and aquaculture sectors, the overall maximum amount is limited to EUR 335 000 per undertaking.
- (6) Apart from the notified amendment, Slovakia confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of this scheme, including the budget, remain unaltered.
- (7) The respective legal bases for the notified amendment are:

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<sup>(3)</sup> Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

<sup>(4)</sup> Since the limited amounts of aid under Art. 2.1 are being used in the form of loan guarantees of up to 80% of the principal, the increase in the relevant ceilings also implies, subject to all the remaining conditions of the scheme, a proportional increase of the maximum nominal amounts of the guaranteed loans.

- (a) ‘Act No. 523/2004 Coll. on Budget Rules of Public Administration and on Amendments and Additions to Certain Acts’ <sup>(5)</sup>;
  - (b) ‘Act No. 358/2015 on the regulation of certain relations in the field of state aid and minimum aid and on the amendment and supplementation of certain acts’ <sup>(6)</sup>;
  - (c) ‘Act No. 368/2021 Coll. on the Mechanism for Supporting Recovery and Resilience and on Amendments to Certain Acts, as amended’ <sup>(7)</sup>;
  - (d) ‘Act No. 121/2022 Coll. on contributions from European Union funds and amending certain acts’ <sup>(8)</sup>;
  - (e) ‘Act 357/2015 Coll. on financial control and audit and on the amendment to certain acts, as amended’ <sup>(9)</sup>;
  - (f) Amendment to the TCTF Scheme of State Aid pursuant to section 2.1 Temporary Crisis and Transition Framework for State Aid Measures to Undertakings in the Form of Guarantee and Partial Rebate on Loan Principal (Guarantee Instrument for Aiding SMEs and Other Selected Priorities 1) <sup>(10)</sup> as a compulsory and binding secondary norm under Act No. 358/2015 Coll. above.
- (8) Aid may be granted under the existing aid scheme, as amended, as from the notification of the Commission’s decision approving the notified amendment.

### **3. ASSESSMENT**

#### **3.1. Lawfulness of the measure**

- (9) By notifying the amendment before putting it into effect, the Slovakian authorities have respected their obligations under Article 108(3) TFEU.

#### **3.2. Existence of State aid**

- (10) For a measure to be categorised as aid within the meaning of Article 107(1) TFEU, all the conditions set out in that provision must be fulfilled. First, the measure must be imputable to the State and financed through State resources. Second, it must confer an advantage on its recipients. Third, that advantage must be selective in nature. Fourth, the measure must distort or threaten to distort competition and be liable to affect trade between Member States.

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<sup>(5)</sup> Act No. 523/2004: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/523/>

<sup>(6)</sup> Act No. 358/2015: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/358/20160101>

<sup>(7)</sup> Act No. 368/2021: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/368/20220719>

<sup>(8)</sup> Act No. 121/2022: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/121/20230901>

<sup>(9)</sup> Act No. 357/2015: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/357/20230701>

<sup>(10)</sup> In Slovak: Schéma štátnej pomoci podľa oddielu 2.1. Dočasného krízového a prechodného rámca na poskytnutie pomoci podnikom vo forme záruky a odpustenia časti istiny (záručný nástroj na podporu MSP a ďalších vybraných priorít 1).

- (11) The existing aid scheme constitutes State aid within the meaning of Article 107(1) TFEU for the reasons set out in the initial decision <sup>(11)</sup>. The notified amendment does not affect that conclusion. The Commission therefore refers to the respective assessment of the initial decision and concludes that the existing aid scheme, as amended, constitutes State aid within the meaning of Article 107(1) TFEU.

### **3.3. Compatibility**

- (12) The existing aid scheme is compatible with the internal market pursuant to Article 107(3), point (b) TFEU, since it meets the conditions of section 1 and section 2.1 of the Temporary Crisis and Transition Framework for the reasons set out in the initial decision <sup>(12)</sup>. The Commission therefore refers to the respective assessment of the initial decision.
- (13) The notified amendment concerning the part of the scheme in relation to section 2.1. TCTF does not affect the conclusion that the existing aid scheme is compatible with the internal market pursuant to Article 107(3), point (b) TFEU. In particular:
- (14) The aid under the existing aid scheme SA.109598 will be granted no later than 30 June 2024 (recital ((5)(a))). The notified amendment thus complies with point 61(c) of the Temporary Crisis and Transition Framework.
- (15) The maximum aid amount per undertaking under the existing aid scheme SA.109598 will be increased to EUR 2.25 million, the maximum aid amount per undertaking active in the primary production of agricultural products will be increased to EUR 280 000, and the maximum aid amount per undertaking active in the fishery and aquaculture sectors to EUR 335 000 (recital(5)(b)). The notified amendment thus complies with point 61(a) and 62(a) of the Temporary Crisis and Transition Framework.
- (16) Where an undertaking is active in several sectors to which different maximum aid amounts apply in accordance with points 61(a) and 62(a) of the Temporary Crisis and Transition Framework, Slovakia will ensure, by relying on appropriate means, such as separation of accounts, that the relevant ceiling is respected for each of those activities and that the overall maximum amount of EUR 2.25 million is not exceeded per undertaking per Member State (recital (5)(c)). Where an undertaking is active in the sectors covered by point 62(a) of the Temporary Crisis and Transition Framework, the overall maximum amount of EUR 280 000 and EUR 335 000 is not exceeded per undertaking per Member State (recital(5)(c)). The measure therefore complies with point 63 of the Temporary Crisis and Transition Framework.
- (17) Apart from the notified amendment, Slovakia confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of this scheme remain unaltered.
- (18) The Commission therefore considers that the notified amendment is necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a

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<sup>(11)</sup> See recitals (64) to (69).

<sup>(12)</sup> See recitals (70) to (86).

Member State pursuant to Article 107(3), point (b) TFEU, since they meet all the relevant conditions of the Temporary Crisis and Transition Framework. The Commission therefore considers that the notified amendment does not alter the Commission's conclusion on the compatibility of the existing aid scheme in the initial decision.

#### 4. CONCLUSION

The Commission has accordingly decided not to raise objections to the scheme, as amended, on the grounds that it is compatible with the internal market pursuant to Article 107(3), point (b) of the Treaty on the Functioning of the European Union.

The decision is based on non-confidential information and is therefore published in full on the Internet site: <https://competition-cases.ec.europa.eu/search?caseInstrument=SA>.

Your request should be sent electronically to the following address:

European Commission,  
Directorate-General Competition  
State Aid Greffe  
B-1049 Brussels  
[Stateaidgreffe@ec.europa.eu](mailto:Stateaidgreffe@ec.europa.eu)

Yours faithfully,

For the Commission

Margrethe VESTAGER  
Executive Vice-President

