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**Subject: State Aid SA.110524 (2023/N) – Slovakia**  
**TCTF: Prolongation of and amendment to the scheme SA.109076**

**State Aid SA.110622 (2023/N) – Slovakia**  
**TCTF: Prolongation of and amendment to the scheme SA.104846**

Excellency,

## 1. PROCEDURE

- (1) By electronic notifications of 1 and 6 December 2023, Slovakia notified amendments 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> (the ‘notified amendments’) to the following existing aid schemes (the ‘existing aid schemes’):
- (a) case SA.104846 (2022/N) – Slovakia – TCF: *State aid scheme to support undertakings following Russia's aggression against Ukraine* <sup>(2)</sup> (‘the existing aid scheme SA.104846’), which the Commission approved under

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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(2022) 8904 final of 30 November 2022 in case SA.104846 (OJ C 005, 6.1.2023, p. 1).

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the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia <sup>(3)</sup>, and

(b) case SA.109076 (2023/N) – Slovakia – TCTF: *Reduction of social contributions due by employers in agriculture and food sectors* <sup>(4)</sup> ('the existing aid scheme SA.109076'), which the Commission approved under the Temporary Crisis and Transition Framework.

(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>(5)</sup> and to have this Decision adopted and notified in English.

## 2. DESCRIPTION OF THE NOTIFIED AMENDMENTS

(3) The objective of the existing aid schemes 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) Slovakia proposes to amend the existing aid schemes as follows:

(a) to prolong their duration from 31 December 2023 to 30 June 2024;

(b) to increase the overall maximum aid amount that may be granted under the existing aid schemes from EUR 250 000 to EUR 280 000 per undertaking active in the primary production of agricultural products, from EUR 300 000 to EUR 335 000 per undertaking active in the fishery and aquaculture sectors, and from EUR 2 million to EUR 2.25 million per undertaking active in other sectors;

(c) to modify the eligible period under the existing aid scheme SA.104846 from the period 1 February 2022 - 31 December 2023 to the period 1 February 2022 – 30 June 2024 <sup>(6)</sup>.

(5) Slovak authorities confirm that where an undertaking is active in several sectors to which different maximum amounts apply in accordance with points 61(a) and 62(a), it is ensured, by 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. Where

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<sup>(3)</sup> Communication from the Commission on the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (OJ C 131 I, 24.3.2022, p. 1), as amended on 20 July 2022 (OJ C 280, 21.7.2022, p. 1) and replaced by the Temporary Crisis Framework adopted on 28 October 2022 (OJ C 426, 9.11.2022, p. 1).

<sup>(4)</sup> Commission Decision C(2023) 6272 final of 14 September 2023 in case SA.109076 (OJ C 347, 29.9.2023, p. 1).

<sup>(5)</sup> Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

<sup>(6)</sup> As under the existing aid scheme SA. 104846, the eligible period of each individual call for application may be shorter.

an undertaking is active exclusively in the sectors covered by point 62(a) the overall maximum amount of EUR 335 000 is not exceeded per undertaking.

- (6) Apart from the notified amendments, Slovakia confirms that no further amendments are proposed to the existing aid schemes and that all other conditions of these schemes, as required by the Temporary Crisis and Transition Framework, remain unaltered.
- (7) The Slovak authorities indicate that the national legal bases for the existing aid schemes remain the same legal bases as listed in the initial decisions, which will reflect the notified amendments <sup>(7)</sup>.
- (8) Aid may be granted under the existing aid schemes, as amended, as from the notification of the Commission's decision approving the notified amendments.

### **3. ASSESSMENT**

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

- (9) By notifying the amendments before putting them into effect, the Slovak authorities have respected their obligations under Article 108(3) TFEU (recital (8)).

#### **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.
- (11) The existing aid schemes constitute State aid within the meaning of Article 107(1) TFEU for the reasons set out in the initial decisions <sup>(8)</sup>. The notified amendments do not affect that conclusion. The Commission therefore refers to the respective assessment of the initial decisions and concludes that the existing aid schemes, as amended, constitute State aid within the meaning of Article 107(1) TFEU.

#### **3.3. Compatibility**

- (12) The existing aid schemes are compatible with the internal market pursuant to Article 107(3), point (b), TFEU, since they meet the conditions of sections 1 and 2.1 of the Temporary Crisis and Transition Framework for the reasons set out in

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<sup>(7)</sup> See recital (8) of the initial decision for the existing aid scheme SA.109076, and recital (9) of the initial decision for the existing aid scheme SA.104846.

<sup>(8)</sup> Recitals (33) to (38) of the initial decision for the existing aid scheme SA.109076, and recitals (32) to (37) of the initial decision for the existing aid scheme SA.104846.

the initial decisions <sup>(9)</sup>. The Commission therefore refers to the respective assessment of the initial decisions.

- (13) The notified amendments do not affect the conclusion that the existing aid schemes are compatible with the internal market pursuant to Article 107(3), point (b) TFEU. In particular:
- The aid under the existing aid schemes will be granted no later than 30 June 2024 (recital (4)(a)), which will comply with point 61(c) and point 72(a), respectively, of the Temporary Crisis and Transition Framework.
  - Under the existing aid schemes the maximum aid amount per undertaking active in the primary production of agricultural products will be increased to EUR 280 000, the maximum aid amount per undertaking active in the fishery and aquaculture sectors will be increased to EUR 335 000, and the maximum aid amount per undertaking active in other sectors will be increased to EUR 2.25 million (recital (4)(a)), which will thus comply with points 61(a) and 62(a) of the Temporary Crisis and Transition Framework.
  - 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)). 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 335 000 is not exceeded per undertaking per Member State (recital (5)). The measure therefore complies with point 63 of the Temporary Crisis and Transition Framework.
- (14) Apart from the notified amendments, Slovakia confirms that no further amendments are proposed to the existing aid schemes and that all other conditions of these schemes, as required by the Temporary Crisis and Transition Framework, remain unaltered (recital (6)).
- (15) The Commission therefore considers that the notified amendments are necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a 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 amendments do not alter the Commission's conclusion on the compatibility of the existing aid schemes in the initial decisions.

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<sup>(9)</sup> Recitals (39) to (53) of the initial decision for the existing aid scheme SA.109076, and recitals (38) to (48) of the initial decision for the existing aid scheme SA.104846.

#### 4. CONCLUSION

The Commission has accordingly decided not to raise objections to the schemes, as amended, on the grounds that they are 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>.

Yours faithfully,

For the Commission  
Margrethe VESTAGER  
Executive Vice-President