



EUROPEAN COMMISSION

Brussels 14.12.2021  
C(2021)9605 final

PUBLIC VERSION

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**Subject: State Aid SA.100845 (2021/N) – Slovakia  
COVID-19: Prolongation and amendment of schemes SA.59240 and  
SA.62256**

Excellency,

## 1. PROCEDURE

- (1) By electronic notification of 30 November 2021, Slovakia notified a prolongation and a series of amendments (the “notified amendments”) to the following existing State aid schemes (collectively, the “existing aid schemes”), which the Commission had already approved (collectively, “the initial decisions”) under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak<sup>1</sup> (the “Temporary Framework”):
  - (a) Measures 2 and 3 approved under State aid scheme SA.59240 (2020/N) “*Aid to airport operators*”, by Decision C(2020) 9617 final of 22

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<sup>1</sup> Communication from the Commission - Temporary framework for State aid measures to support the economy in the current COVID-19 outbreak (OJ C 91I, 20.3.2020, p. 1), as amended by Commission Communications C(2020) 2215 (OJ C 112I, 4.4.2020, p. 1), C(2020) 3156 (OJ C 164, 13.5.2020, p. 3), C(2020) 4509 (OJ C 218, 2.7.2020, p. 3), C(2020) 7127 (OJ C 340I, 13.10.2020, p. 1), C(2021) 564 (OJ C 34, 1.2.2021, p. 6), and C(2021) 8442 (OJ C 473, 24.11.2021, p. 1).

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December 2020<sup>2</sup>, as amended in case SA.63467, approved by Commission decision C(2021) 5214 final of 8 July 2021<sup>3</sup>.

(b) State aid scheme SA.62256 (2021/N) “*COVID-19: Support to the tourism sector*”, which the Commission approved by Decision C(2021) 3251 final of 3 May 2021<sup>4</sup>.

(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 preserve the continuity of economic activity during and after the COVID-19 pandemic.

### **2.1. Description of the notified amendments of SA.59240, as amended in SA.63467**

(4) Slovakia wishes to amend the existing aid scheme SA.59240, as amended in SA.63467, as follows:

- For measures 2 and 3, the period for granting the aid will be extended until 30 June 2022;
- For measure 2, the overall maximum aid amount per undertaking will be increased up to EUR 2.3 million per beneficiary. All figures used must be gross, that is, before any deduction of tax or other charge.
- For measure 3, the overall maximum aid amount per undertaking will be increased up to EUR 12 million per beneficiary. All figures used must be gross, that is, before any deduction of tax or other charge.
- For measure 3, the period during which the uncovered fixed costs are eligible to be taken into consideration will be extended until 30 June 2022.

(5) Apart from the notified amendments, the Slovak authorities confirm that no further amendments are proposed to the existing aid scheme SA.59240, as amended in SA.63467, and that all other conditions of that scheme remain unaltered.

(6) The legal bases for the notified amendment to the existing aid scheme SA.59240, as amended in SA.63467, are Act No. 213/2019 on charges and providing of contributions in civil aviation and amending certain acts, as amended, together

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<sup>2</sup> OJ C 50, 12.2.2021, p. 12.

<sup>3</sup> OJ C 345, 27.8.2021, p. 6.

<sup>4</sup> OJ C 195, 21.5.2021, p. 17.

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

with Act No. 358/2015 on the regulation of certain relations in the field of state aid and aid de minimis and on the amendment of certain laws (Act on State aid).

- (7) Aid may be granted under the existing aid scheme SA.59240, as amended in SA.63467, as prolonged and amended, as from the notification of the Commission's decision approving the notified amendments.

## **2.2. Description of the notified amendments of SA.62256**

- (8) Slovakia also wishes to amend the existing aid scheme SA.62256 as follows:

- The period for granting the aid will be extended until 30 June 2022;
- The overall maximum aid amount per undertaking will be increased up to EUR 12 million per beneficiary. All figures used must be gross, that is, before any deduction of tax or other charge.
- The period during which the uncovered fixed costs are eligible to be taken into consideration will be extended until 30 June 2022.

- (9) Apart from the notified amendments, the Slovak authorities confirm that no further amendments are proposed to the existing aid scheme SA.62256 and that all other conditions of that scheme remain unaltered.

- (10) The legal bases for the notified amendments to the existing aid scheme SA.62256 are Act No. 91/2010 Coll. on the promotion of the tourism, as amended, together with Act No. 358/2015 on the regulation of certain relations in the field of state aid and aid de minimis and on the amendment of certain laws (Act on State aid).

- (11) Aid may be granted under the existing aid scheme SA.62256, as prolonged and amended, as from the notification of the Commission's decision approving the notified amendments.

## **3. ASSESSMENT**

### **3.1. Existence of State aid**

- (12) 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 affect trade between Member States.

- (13) 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>6</sup> The amendments referred to in recital (1) did not affect this conclusion. The notified amendments (see sections 2.1 and 2.2) equally do not affect that conclusion. The Commission therefore refers to the assessment of the initial decisions and concludes that the existing aid

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<sup>6</sup> See recitals 50-55 of Decision C(2020) 9617 final in case SA.59240, OJ C 50, 12.2.2021, p. 12, and recitals 31-36 of Decision C(2021) 3251 final in case SA.62256, OJ C 195, 21.5.2021, p. 17.

schemes, as prolonged and amended, constitute State aid within the meaning of Article 107(1) TFEU.

### **3.2. Compatibility**

- (14) The existing aid schemes are compatible with the internal market pursuant to Article 107(3)(b) TFEU, since they meet the conditions of sections 2, 3.1 and 3.12 of the Temporary Framework for the reasons set out in the initial decisions. The amendments referred to in recital (1) above did not affect that conclusion as confirmed in the respective Commission decisions thereon. The Commission therefore refers to the respective assessment of the initial decisions.
- (15) The Commission considers that a limited prolongation of the existing aid schemes is appropriate to ensure that national support measures effectively help affected undertakings during the COVID-19 pandemic. The notified amendments do not affect the conclusion of the compatibility assessment made under the initial decisions<sup>7</sup> and confirmed under the amendments specified in recital (1). In particular, the Commission notes that aid under the existing aid schemes, as prolonged and amended, can only be granted until 30 June 2022, as described in recitals (4) and (8). The existing aid schemes, as prolonged and amended, thus comply with points 22(d) and 87(a) of the Temporary Framework.
- (16) The Commission notes that the maximum aid amount per beneficiary under section 3.1 of the Temporary Framework is increased to EUR 2.3 million under measure 2 of the existing aid scheme in case SA.59240, as amended in SA.63467 (see recital (3)). All figures used must be gross, that is, before any deduction of tax or other charge. The measure thus continues to comply with point 22(a) of the Temporary Framework.
- (17) Furthermore, the Commission notes that the maximum aid amounts per beneficiary under section 3.12 of the Temporary Framework are increased to EUR 12 million in relation to (i) measure 3 of the existing aid scheme in cases SA.59240, as amended in SA.63467 (see recital (4)), and (ii) in the existing aid scheme SA.62256 (see recital (8)). All figures used must be gross, that is, before any deduction of tax or other charge. The measures thus continue to comply with point 87(d) of the Temporary Framework.
- (18) Finally, the Commission notes that the extension of the eligible period for uncovered fixed costs in the existing aid schemes until 30 June 2022 is in line with point 87(a) of the Temporary Framework.
- (19) Apart from the notified amendments, Slovakia confirms that no further amendments are proposed to the existing aid schemes and that all other conditions of the existing aid schemes remain unaltered.
- (20) The Commission therefore considers that the existing aid schemes, as amended, comply with the compatibility conditions laid down in the Temporary Framework. The amendments are necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a Member State pursuant to Article 107(3)(b) TFEU since they meet all the relevant conditions of the

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<sup>7</sup> See recitals 86-99 of Decision C(2020) 9617 final in case of SA.59240, OJ C 50, 12.2.2021, p. 1 and recitals 37-45 of Decision C(2021) 3251 final in case SA.62256, OJ C 195, 21.5.2021, p. 1.

Temporary Framework. Therefore, the notified amendments do not alter the Commission's conclusions on the compatibility of the existing aid schemes, as amended.

#### 4. CONCLUSION

The Commission has accordingly decided not to raise objections to the aid on the grounds that it is compatible with the internal market pursuant to Article 107(3)(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: <http://ec.europa.eu/competition/elojade/isef/index.cfm>.

Yours faithfully,

For the Commission

Margrethe VESTAGER  
Executive Vice-President

