



EUROPEAN COMMISSION

Brussels 9.12.2022
C(2022) 9354 final

PUBLIC VERSION

This document is made available for
information purposes only.

Subject: State Aid SA.105113 (2022/N) – Slovakia
TCF: State aid scheme to support primary agricultural production,
fisheries and aquaculture (amendments to SA.104815 (2022/N))

Excellency,

1. PROCEDURE

- (1) By electronic notification of 1 December 2022, Slovakia notified amendments (the “notified amendments”) to the existing aid scheme (the “existing aid scheme”) under the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (the “Temporary Crisis Framework”) ¹. The Commission approved the existing aid scheme in case SA.104815 (2022/N) “State aid scheme to support primary

¹ 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 426, 9.11.2022, p.1) This Temporary Crisis Framework (‘current Temporary Crisis Framework’) replaces the Temporary Crisis Framework adopted on 23 March 2022 (OJ 131 I, 24.3.2022, p. 1) as amended on 20 July 2022 (OJ C 280, 21.7.2022, p. 1) (‘previous Temporary Crisis Framework’). The previous Temporary Crisis Framework was withdrawn with effect from 27 October 2022.

H.E. Rastislav Káčer
Minister of Foreign Affairs
Hlboka cesta 2
833 36 Bratislava

agricultural production, fisheries and aquaculture”² (the “initial decision”). On 3 December 2022, Slovakia submitted complementary information.

- (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 1/1958³ and to have this Decision adopted and notified in English.

2. DESCRIPTION OF THE NOTIFIED AMENDMENTS

- (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, the sanctions imposed by the EU or by its international partners, as well as by the economic counter measures taken so far by Russia.
- (4) Slovakia wishes to amend the existing aid scheme as follows:
- (a) the aid amounts per crop group (as listed in recital (17) of the initial decision) and the crop groups will be modified to reach the following amounts:

Crop group	Flat rate per hectare (in EUR)
Fruits (intensive cultivation)	656.84
Fruits (extensive cultivation)	122.01
Vegetables	361.07
Potatoes in integrated and organic production	330.40
Potatoes in conventional production	144.18
Legumes	82.26
Hops	234.11
Vineyards in integrated and organic production	581.11
Vineyards in conventional production	238.64

² Commission Decision C(2022)8614 of 23 November 2022 in case SA.104815 (2022/N) (Not yet published in the OJ).

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

Sugar beet	174.21
Other crops: herbs and spice plants, medicinal plants, oilseeds and fibre plants, breeding material, flowers and ornamental plants	89.85

- (b) the revenue per hectare referred to footnote 10 to recital (18) of the initial decision will be calculated with reference to the eligible period specified in the call of aid rather than to the last 12 months accounting period.
- (5) Apart from the notified amendments, Slovakia confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unaltered. Slovakia also confirms that aid granted under Section 2.1 of the previous Temporary Crisis Framework and aid granted under the same respective section of the current Temporary Crisis Framework will not exceed the aid ceilings provided in the respective sections of the current Temporary Crisis Framework at any point in time.
- (6) The legal bases for the notified amendments are Act No 358/2015 regulating certain relations in the field of State aid and *de minimis* aid and amending certain acts ('State Aid Act')⁴, and the Regulations of the Ministry of Agriculture and Rural Development "State aid scheme to support primary agricultural production, fisheries and aquaculture following Russia's aggression against Ukraine"⁵ as amended by Addendum No 1.
- (7) Aid may be granted under the existing aid scheme, as amended, as from the notification of the Commission's decision approving the notified amendments.

3. ASSESSMENT

3.1. Lawfulness of the measure

- (8) By notifying the amendments before putting them into effect⁶, the Slovak authorities have respected their obligations under Article 108(3) TFEU.

3.2. Existence of State aid

- (9) 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.

⁴ Zákon č. 358/2015 Z. z. o úprave niektorých vzťahov v oblasti štátnej pomoci a minimálnej pomoci a o zmene a doplnení niektorých zákonov („zákon o štátnej pomoci“).

⁵ Schéma štátnej pomoci na podporu poľnohospodárskej prvovýroby, rybolovu a akvakultúry v dôsledku agresie Ruska proti Ukrajine v znení Dodatku č. 1.

⁶ According to § 9 par. 1 of the State Aid Act (national legal basis), state aid can be granted on the basis of notified schemes only if it is approved by the European Commission.

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.

- (10) The existing aid scheme constitutes State aid within the meaning of Article 107(1) TFEU for the reasons set out in recitals (30) to (35) of the initial decision. The notified amendments do 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

- (11) The existing aid scheme is compatible with the internal market pursuant to Article 107(3)(b) TFEU, since it meets the conditions of Section 1 and Section 2.1 of the Temporary Crisis Framework for the reasons set out in recitals (36) to (45) of the initial decision. The Commission therefore refers to the respective assessment of the initial decision.
- (12) The notified amendments do not affect the conclusion that the existing aid scheme is compatible with the internal market pursuant to Article 107(3)(b) TFEU. The modification of aid amounts per hectare for the primary production of agricultural products does not lead to the aid exceeding the ceiling set out in point 56(a) of the Temporary Crisis Framework (see recital (19) of the initial decision). The change of the reference period for the determination of minimum revenues to qualify for aid to the primary production of agricultural products in covered areas does not concern any criterion relevant for the compatibility of the existing aid scheme, as amended, with the internal market.
- (13) Apart from the notified amendments, Slovakia confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unaltered.
- (14) Slovakia confirms that, in accordance with point 84 of the Temporary Crisis Framework, overall, aid granted under sections 2.1 to 2.3 of the previous Temporary Crisis Framework and aid granted under the same respective sections of the current Temporary Crisis Framework will not exceed the aid ceilings provided in the respective sections of the current Temporary Crisis Framework at any point in time (see recital (5)).
- (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)(b) TFEU, since they meet all the relevant conditions of the Temporary Crisis Framework. The Commission therefore considers that the notified amendments do 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)(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