



EUROPEAN COMMISSION

Brussels 3.5.2021
C(2021)3258 final

PUBLIC VERSION

This document is made available for
information purposes only.

**Subject: State Aid SA.62712 (2021/N) – Slovakia
COVID-19: Second amendment of SA.58054 (2020/N): ESIF Liquidity
Support State Aid Scheme for Innovative Companies with Limited
Access to Credit Facilities**

Excellency,

1. PROCEDURE

- (1) By electronic notification of 15 April 2021, Slovakia notified a second draft amendment (“the notified measure”) to the aid scheme SA.58054 (“the initial scheme”), as already amended by SA.59768 (“the first amendment”). The Commission approved the initial scheme by Decision of 21 August 2020 (“the initial Decision”)¹ and the first amendment by Decision of 14 December 2020 (“the first amendment Decision”)², in light of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak (the “Temporary Framework”).³

¹ Commission Decision C(2020) 5577 final of 10 August 2020, published in OJ C/277/2020, 21.4.2020, p. 13.

² Commission Decision C(2020) 9291 final of 9 February 2021, published in OJ C/122/2021, 9.4.2021, p. 20.

³ 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) and C(2021) 564 (OJ C 34, 1.2.2021, p. 6).

Ivan KORČOK
minister zahraničných vecí a európskych záležitostí Slovenskej republiky
Hlboká cesta 2
SK-833 36 Bratislava
SLOVENSKÁ REPUBLIKA

- (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 1/1958⁴ and to have this Decision adopted and notified in English.

2. DESCRIPTION OF THE MEASURE

- (3) The legal basis for the amendment notified by the Slovak authorities is a draft act which will be adopted once the measure is approved by the Commission.
- (4) The amendment consists of the following:
- (a) The scheme is prolonged until 31 December 2021.
 - (b) The maximum aid amount per undertaking is increased to EUR 1.8 million.
 - (c) The aid granted to undertakings active in the processing and marketing of agricultural products is conditional on not being partly or entirely passed on to primary producers and is not fixed on the basis of the price or quantity of products put on the market by the undertakings concerned or purchased from primary producers, unless, in the latter case, the products were either not put on the market or were used for non-food purposes such as distillation, methanization or composting by the undertakings concerned.
- (5) No other changes relevant for the assessment of compatibility of the scheme are made. The overall budget remains the same, i.e. EUR 25 million for the whole period.
- (6) The compatibility assessment of the measure is based on Article 107(3)(b) TFEU, in light of sections 2 and 3.1 of the Temporary Framework.

3. ASSESSMENT

3.1. Lawfulness of the measure

- (7) By notifying the measure before putting it into effect, the Slovak authorities have respected their obligations under Article 108(3) TFEU.

3.2. Existence of State aid

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

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.

- (9) The qualification of the measure as State aid was established in the initial Decision and the notified amendment does not change that conclusion. The Commission therefore refers, for this analysis, to recitals (28) to (32) of the initial Decision.

3.3. Compatibility

- (10) The Commission assessed the existing aid scheme on the basis of Article 107 (3)(b) of the TFEU in light of the Temporary Framework and concluded that it was compliant with the compatibility conditions set out in that Framework. The Commission refers to its assessment of compatibility as set out in recitals (33) to (41) of the initial Decision.
- (11) Concerning the notified measure, the Commission notes the following:
- (a) The prolongation of the scheme until 31 December 2021 (see recital (3)(a)) complies with point 22(d) of the Temporary Framework.
 - (b) The increase of the maximum aid amount per undertaking to EUR 1.8 million (see recital (3)(b)) complies with point 22(a) of the Temporary Framework.
 - (c) The aid granted to undertakings active in the processing and marketing of agricultural products is conditional on not being partly or entirely passed on to primary producers and is not fixed on the basis of the price or quantity of products put on the market by the undertakings concerned or purchased from primary producers, unless, in the latter case, the products were either not put on the market or were used for non-food purposes such as distillation, methanization or composting by the undertakings concerned (see recital (3)(c)). The measure therefore complies with point 22(e) of the Temporary Framework.
- (12) The Commission therefore considers that the measure is necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a Member State pursuant to Article 107(3)(b) TFEU since it meets all the relevant conditions of the Temporary Framework.

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