



EUROPEAN COMMISSION

Brussels, 8.7.2021
C(2021) 5214 final

PUBLIC VERSION

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Subject: State Aid SA.63467 (2021/N) – Slovakia – Amendment of State aid scheme SA.59240 - COVID-19: Aid to airport operators

Excellency,

1. PROCEDURE

- (1) By electronic notification of 10 June 2021, Slovakia notified amendments (the “notified amendments”) to State aid scheme SA.59240 “COVID-19: Aid to airport operators” (the “existing aid scheme”) approved by decision of 22 December 2020 (the “initial decision”)¹ under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak (the “Temporary Framework”).²
- (2) The aid scheme comprised three parts and which were approved under three legal bases: (a) a damage compensation scheme falling under Article 107(2)(b) of the Treaty on the Functioning of the European Union (“TFEU”) (the “Damage compensation” or “Measure 1”)); (b) an aid scheme falling under section 3.1. of the Temporary Framework (the “Limited amounts of aid” or “Measure 2”) and (c)

¹ Commission Decision C(2020) 9617 final of 22 December 2020 – SA.59240 (2020/N).

² 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).

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an aid scheme falling under section 3.12 of the Temporary Framework (the “Support for uncovered fixed costs” or “Measure 3”).

- (3) Slovakia exceptionally agrees to waive its rights deriving from Article 342 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 AMENDMENT

- (4) Slovakia wishes to amend the existing aid scheme in relation to Measure 2 and Measure 3, as follows:

- Prolongation of the period to grant the aid from 30 June 2021 to 31 December 2021.
- Increase of the overall budget of the aid scheme for 2021:
 - for Measure 2, from EUR 4 000 000 to EUR 6 000 000;
 - for Measure 3, from EUR 11 000 000 to EUR 15 000 000.
- Increase of the maximum individual aid granted per undertaking:
 - for Measure 2, from EUR 800 000 to EUR 1 800 000;
 - for Measure 3, from EUR 3 000 000 to EUR 10 000 000.

- (5) Apart from the notified amendments, Slovakia confirms that there are no further amendments to the existing aid scheme and that all other conditions remain unaltered.

- (6) The legal basis for the notified amendment is Act No. 213/2019 Coll. on Fees and Charges and Providing Contributions in Civil Aviation and on Amendments to Certain Acts, as amended by Act No. 341/2020 Coll. [§ 25b (5) (b)], together with the 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). The Slovak authorities have confirmed that aid may be granted under the existing aid scheme, as amended, only as from the notification of the Commission’s decision approving the notified amendment.

3. ASSESSMENT

3.1. Lawfulness of the measure

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

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

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. 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.
- (9) The existing aid scheme constitutes State aid within the meaning of Article 107(1) TFEU for the reasons set out in recitals 50 to 55 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

- (10) Measure 2 and Measure 3 of the existing aid scheme are compatible with the internal market pursuant to Article 107(3)(b) TFEU, since they meet all the relevant conditions of section 3.1 and section 3.12 of the Temporary Framework for the reasons set out in recitals 86 to 94 and in recitals 95 to 99 of the initial decision, respectively.
- (11) The notified amendments do not affect that conclusion. In particular:
 - i. the expected estimated budget for 2021 for Measure 2 is increased from EUR 4 000 000 to EUR 6 000 000 for 2021 and for Measure 3 from EUR 11 000 000 to EUR 15 000 000.
 - ii. The aid per undertaking will not exceed:
 - a. EUR 1 800 000 for Measure 2. The aid amount per undertaking under Measure 2 will therefore not exceed the ceiling set out in point 22(a) of the Temporary Framework.
 - b. EUR 10 000 000 for Measure 3. The aid amount per undertaking under Measure 3 will therefore not exceed the ceiling set out in point 87(d) of the Temporary Framework.
 - iii. The aid will be granted no later than 31 December 2021. Therefore, the condition set out in point 22(d) and point 87(a) of the Temporary Framework is met.
- (12) Apart from the notified amendments, Slovakia confirms that there are no further amendments to the existing aid scheme and that all other conditions of that scheme remain unaltered.

- (13) 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 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 Articles 107(2)(b) and 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

