



EUROPEAN COMMISSION

Brussels, 18.8.2022
C(2022) 6039 final

SENSITIVE*: *COMP Operations*

Subject: State Aid SA.103965 (2022/N) – Italy
TCF: Amendment of SA.102896 (2022/N)

Excellency,

1. PROCEDURE

- (1) On 3 August 2022, Italy notified by electronic notification an amendment (the “notified amendment”) to State aid measure SA.102896 (2022/N) – “TCF: *Regime Quadro riepilogativo delle misure a sostegno delle imprese attive nei settori agricolo, forestale, della pesca e acquacoltura nel rispetto del Quadro temporaneo di crisi*” (the “existing aid scheme”), approved by Commission Decision C(2022) 3359 final of 18 May 2022 (the “initial decision”) 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. On 10 August 2022, Italy submitted complementary information.
- (2) Italy 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 1/1958² and to have this Decision adopted and notified in English.

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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 131 I, 24.3.2022, p. 1), as amended by Commission Communication C(2022) 5342 (OJ C 280, 21.7.2022, p. 1).

² Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

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2. DESCRIPTION OF THE NOTIFIED AMENDMENT

- (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, for example by Russia.
- (4) Italy wishes to amend the existing aid scheme in line with the amendments of the Temporary Crisis Framework³ as adopted by the Commission on 20 July 2022. As this modification notably increases the maximum amount of aid allowed for aid under Section 2.1 of the Temporary Crisis Framework, Italy plans to amend the existing aid scheme increasing the maximum amount of aid under Section 2.1 of the Temporary Crisis Framework. The overall nominal value of the direct grants, repayable advances, tax reductions, zeroing or reduction of social security and welfare contributions payables to the public administration and other payment facilities, will not exceed EUR 500 000 per undertaking, or EUR 62 000 per undertaking active in the primary production of agricultural products sector, or EUR 75 000 per undertaking active in the fishery and aquaculture sector; all figures are gross, that is, before any deduction of tax or other charges. Where an undertaking is active in several sectors to which different maximum aid amounts apply in accordance with points 41(a) and 42(a) of the Temporary Crisis Framework, Italy will ensure, 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 500 000 is not exceeded per undertaking. Where an undertaking is active in the sectors covered by point 42(a) of the Temporary Crisis Framework, the overall maximum amount of EUR 75 000 is not exceeded per undertaking.
- (5) Apart from the notified amendment, Italy confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unchanged.
- (6) The legal basis of the notified amendment is the draft of the Amendment of the Ministerial Decree on the summary framework of measures to support enterprises active in the agricultural, forestry, fisheries and aquaculture sectors pursuant to Section 2.1 of the Communication of the European Commission C(2022) 1890 final "Temporary Crisis Framework for aid measures State in support of the economy following Russian aggression against Ukraine" and subsequent amendments and additions⁴.

³ Communication from the Commission on the Amendment to the Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia C(2022) 5342 (OJ C 280, 21.7.2022, p. 1).

⁴ *Decreto ministeriale sul Quadro riepilogativo delle misure a sostegno delle imprese attive nei settori agricolo, forestale, della pesca e acquacoltura ai sensi della sezione 2.1 della comunicazione della Commissione europea Comunicazione della Commissione C(2022) 1890 final "Quadro temporaneo di crisi per misure di aiuto di Stato a sostegno dell'economia a seguito dell'aggressione della Russia contro l'Ucraina" e successive modifiche e integrazioni.*

- (7) Aid may be granted under the existing aid scheme, as amended, as from the notification of the Commission's approval of the notified amendment⁵.
- (8) The compatibility assessment of the measure is based on Article 107(3)(b) TFEU, in light of Sections 1 and 2.1 of the Temporary Crisis Framework.

3. ASSESSMENT

3.1. Lawfulness of the measure

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

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 scheme constitutes State aid within the meaning of Article 107(1) TFEU for the reasons set out in recitals (29) to (34) of the initial decision. The notified amendment does 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

- (12) The existing aid scheme is compatible with the internal market pursuant to Article 107(3)(b) TFEU, since it meets the conditions of Section 2.1 of the Temporary Crisis Framework for the reasons set out in recitals (35) to (44) of the initial decision. The Commission therefore refers to the assessment of the initial decision.
- (13) The notified amendment does not affect that conclusion. In particular, as the increase of the maximum amount of aid (recital (4)) is in conformity with the Temporary Crisis Framework as amended, the Commission considers that the notified increase of the maximum amount of aid does not affect the assessment of the compatibility of the existing aid scheme with the internal market, as carried out in the initial decision.
- (14) Apart from the notified amendment, Italy confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unchanged (recital (5)).
- (15) The Commission therefore considers that the notified amendment 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

⁵ As provided in Article 5(3) of the national legal basis.

conditions of the Temporary Crisis Framework. The Commission therefore considers that the notified amendment does 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 existing aid 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

