



EUROPEAN COMMISSION

Brussels, 21.12.2023
C(2023) 9224 final

SENSITIVE*: *COMP Operations*

Subject: State Aid SA.110893 (2023/N) – Italy
TCTF: Prolongation of scheme SA.105509

Excellency,

1. PROCEDURE

- (1) By electronic notification of 14 December 2023, Italy notified an amendment (the ‘notified amendment’) under the Temporary Crisis and Transition Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (the ‘Temporary Crisis and Transition Framework’) ⁽¹⁾ to aid scheme SA.105509 (2022/N) – Italy TCF: Emilia-Romagna draft Regional framework scheme under section 2.1 of the TCF ⁽²⁾ (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”)⁽³⁾ (the ‘existing aid scheme’).

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⁽¹⁾ Communication from the Commission on the Temporary Crisis and Transition Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia (OJ C 101, 17.3.2023, p. 3), as amended by Commission Communication C(2023)8045 (OJ C1188, 21.11.2023, ELI: <http://data.europa.eu/eli/C/2023/1188/oj>).

⁽²⁾ Commission Decision C(2023) 1224 final of 16 February 2023, in case SA.105509 (OJ C 102, 17.3.2023, p.13).

⁽³⁾ 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 on 20 July 2022 (OJ C 280, 21.7.2022, p. 1) and replaced by the Temporary Crisis Framework adopted on 28 October 2022 (OJ C 426, 9.11.2022, p. 1).

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- (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 1/1958⁽⁴⁾ and to have this Decision adopted and notified in English.

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 and its direct and indirect effects, including the sanctions imposed and the counter-measures taken, for example by Russia.
- (4) Italy proposes to prolong the duration of the existing aid scheme from 31 December 2023 to 30 June 2024.
- (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 unaltered.
- (6) The legal basis for the notified amendment is the Draft Decision of the Regional Council of the Emilia-Romagna Region, which will be adopted after the Commission's decision approving the notified amendment.

3. ASSESSMENT

3.1. Lawfulness of the measure

- (7) By notifying the amendment before putting it into effect, the Italian 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. 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 (34) to (39) of the initial decision. The notified amendment does not affect that conclusion. The Commission, therefore, refers to the 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) The existing aid scheme is compatible with the internal market pursuant to Article 107(3), point (b) TFEU, since it meets the conditions of section 1 and section 2.1

⁽⁴⁾ Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

of the Temporary Crisis and Transition Framework, for the reasons set out in recitals (40) to (51) of the initial decision. The Commission, therefore, refers to the assessment of the initial decision.

- (11) The notified amendment does not affect the conclusion that the existing aid scheme is compatible with the internal market pursuant to Article 107(3), point (b) TFEU. The aid under the existing aid scheme will be granted no later than 30 June 2024 (recital (4)). The notified amendment, thus, complies with point 61(c) of the Temporary Crisis and Transition Framework.
- (12) 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 unaltered (recital (5)).
- (13) 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), point (b) TFEU, since it meets all the relevant conditions of the Temporary Crisis and Transition 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 scheme, as amended, on the grounds that it is compatible with the internal market pursuant to Article 107(3), point (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: <https://competition-cases.ec.europa.eu/search?caseInstrument=SA>.

Yours faithfully,

For the Commission

Margrethe VESTAGER
Executive Vice-President

