



EUROPEAN COMMISSION

Brussels,  
C(2008)

**Subject: State aid N 317/2009 – Austria**  
**Amendment to the scheme "Limited amounts of compatible aid under the Temporary Framework" (N 47a/2009)**

Sir,

## **1. PROCEDURE**

- (1) By electronic notification of 26 May 2009 Austria notified an amendment to the existing federal framework scheme "Limited amounts of compatible aid under the Temporary Framework" ("Österreichregelung Kleinbeihilfen"). By letter of 9 June 2009 (A/14123) the Austrian authorities submitted further clarifications and confirmations requested by the Commission on 28 May 2009 (D/52299). The existing scheme has been approved by the Commission on 20 March 2009 (N 47a/2009).

## **2. DESCRIPTION OF THE AMENDMENT**

- (2) The Austrian authorities stated that under the macroeconomic situation lending conditions and credit availability remain negative. The Austrian authorities consider that in order to stimulate the national economy particularly large enterprises are urgently in need of a facilitated access to financing. Therefore the national legislator drafted a new national legal act called "Unternehmensliquiditätsstärkungsgesetz". This legal act will allow aid to be granted in the form of public guarantees to the benefit of large enterprises.

Seiner Exzellenz Herr Dr. Michael Spindelegger  
Bundesminister für europäische und internationale Angelegenheiten  
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- (3) Public guarantees where the aid element is calculated either on the basis of notified methodologies,<sup>1</sup> or on the basis of the safe harbour premiums laid down on the Annex A to the amended Temporary Framework<sup>2</sup> to the benefit of SMEs and large firms are already covered by the existing federal framework scheme "Limited amounts of compatible aid under the Temporary Framework" ("Österreichregelung Kleinbeihilfen"), N 47a/2009.
- (4) The Commission approved an overall budget of EUR 150 million for the scheme.
- (5) Austria notified the amendment in order to increase the estimated overall budget due to the insertion of the above mentioned legal act "Unternehmensliquiditätsstärkungsgesetz" as further legal base under the existing federal framework. For the amended scheme the Austrian authorities indicate an additional amount of EUR 10 billion.
- (6) Austria estimates that the number of beneficiaries will exceed 1000 enterprises.
- (7) All other elements of the approved scheme, particularly those elements referring to state guarantees remain unchanged.
- (8) The Austrian authorities confirm that the monitoring and reporting obligations laid down in Section 6 of the Temporary Framework will be respected.
- (9) The Austrian authorities confirm that the notification does not contain business secrets.

### **3. ASSESSMENT**

- (10) The Commission approved the scheme "Limited amounts of compatible aid under the Temporary Framework" (N 47a/2009) on 20 March 2009. The Commission considered that the scheme is in conformity with the Temporary Framework and with the Treaty on the basis of Article 87 (3) (b).
- (11) The notified amendment does not alter such assessment. The amended scheme meets all the conditions of the Framework: In particular,
  - The maximum aid amount will not exceed the cash equivalent of EUR 500,000 per undertaking (in line with point 4.2.2. (a) of the Temporary Framework);
  - The measure is granted through an aid scheme (in line with point 4.2.2. (b) of the Temporary Framework);
  - Firms in difficulty (situation of 1.7.2008) are excluded from eligibility under the scheme (in line with point 4.2.2. (c) of the Temporary Framework);

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<sup>1</sup> Notified under N 185/2008 – Austria: Methode der AWS GmbH zur Berechnung des Barwertes von Haftungen.

<sup>2</sup> Communication from the Commission – Temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis, as amended, OJ C 83 of 7 April 2009.

- Firms active in the fisheries sector are excluded from the scope of this measure (in line with point 4.2.2. (d) of the Temporary Framework);
- Export aid and aid favouring domestic over imported goods and services are excluded (in line with point 4.2.2. (e) of the Temporary Framework.
- Aid may be granted until 31.12.2010 (in line with point 4.2.2. (f) of the Temporary Framework);
- Undertakings active in the primary production of agricultural products are excluded from the scope of this measure. Aid to the processing and marketing of agricultural products is subject to certain conditions (in line with point 4.2.2. (h) of the Temporary Framework);
- The cumulation rules with *de minimis* aid and aid for other purposes are respected (in line with points 4.2.2.(g) and 4.7. of the Temporary Framework);
- The monitoring and reporting rules laid down in section 6 of the Temporary Framework will be respected.

#### **4. CONCLUSION**

- (12) For these reasons, the Commission considers that the notified measure is in conformity with the Temporary Framework and considers it to be compatible with the Treaty on the basis of Article 87(3)(b). The Commission notes that the notification does not contain business secrets.

#### **5. DECISION**

- (13) The Commission has accordingly decided
- to consider the notified aid scheme as compatible with the EC Treaty under Article 87(3)(b).

Yours faithfully,  
For the Commission

***Neelie KROES***  
Member of the Commission