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- Subject:** **State aid No. SA.37676 (2013/N) – Germany - Prolongation of the approved State aid scheme "Guarantee scheme of Brandenburg for investment and working capital loans" N 433/2007 until and including 30 June 2014**
- State aid No. SA.37677 (2013/N) – Germany - Prolongation and increase of the budget of the approved State aid scheme "Guarantee scheme of Saxony-Anhalt for working capital loans" N 311/2008 until and including 30 June 2014**
- State aid No. SA.37678 (2013/N) – Germany - Prolongation of the approved State aid scheme DE-"Guarantee scheme of Thüringen for investment and working capital loans (Landesbürgschaftsprogramm)" N 430/2007 until and including 30 June 2014**
- State aid No. SA.37680 (2013/N) – Germany - Prolongation and increase of the budget of the approved State aid scheme "Saxon State Guarantee Programme" N 443/2008 until and including 30 June 2014**
- State aid No. SA.37681 (2013/N) – Germany - Prolongation of the approved State aid scheme "Guarantee scheme for Thüringer Aufbaubank for investment and working capital loans (TAB-Bürgschaftsprogramm)" N 432/2007 until and including 30 June 2014**
- State aid No. SA.37686 (2013/N) – Germany - Prolongation of the approved State aid scheme "Guarantee scheme of Mecklenburg-Vorpommern for investment and working capital loans" N 431/2007 until and including 30 June 2014**
- State aid No. SA.37705 (2013/N-2) – Germany - Prolongation of the approved State aid scheme "Federal guarantee scheme for Eastern Germany for investment and working capital loans" N 439/2007 until and including 30 June 2014**

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## **1. PROCEDURE**

- (1) On 28 June 2013 the Commission adopted the Guidelines on Regional State Aid for 2014-2020<sup>1</sup> (hereinafter "RAG 2014-20"), in which it extended the period of application of the Guidelines on National Regional Aid 2007-2013<sup>2</sup> (hereinafter "RAG 2007-13") until 30 June 2014 (paragraph 186). The Commission invited Member States to notify the prolongation of their regional aid maps approved for 2007-13 and the prolongation of the approved aid schemes under RAG 2007-13 for the period from 1 January 2014 to 30 June 2014 (paragraph 187).
- (2) By its decision of 8 November 2013 the Commission approved the extension of application of the regional aid map for Germany for 2007-2013 (SA.37424)<sup>3</sup> until and including 30 June 2014.
- (3) Germany notified on 8 November 2013 by electronic notifications the prolongation of all aid schemes approved under RAG 2007-13 listed in the Annex as well as an increase in the budget in relation to some of them by using the simplified notification procedure laid down in Article 4 of the Implementing Regulation<sup>4</sup> (hereinafter Implementing Regulation). The Annex lays down in detail the date of notification, the title, the new duration and, if applicable, the increase in the budget for each aid scheme individually. Additional information has been requested by the Commission on 19 November 2013. The information was provided by Germany on 2 December 2013.
- (4) By decision C(2013) 9777, the Commission approved amendments to the methods to calculate the aid element in guarantees<sup>5</sup>.

## **2. DESCRIPTION OF THE AID SCHEMES AND THE NOTIFIED AMENDMENTS**

- (5) All aid schemes listed in the Annex to this decision have been declared compatible with the internal market pursuant to Article 107 of the TFEU<sup>6</sup>, applying the criteria set out in the RAG 2007-13. In the Annex, references are made to those decisions, which contain a detailed description and assessment of the aid schemes in question under the RAG 2007-13. With the present notifications Germany seeks to extend the period of application of all aid schemes, as listed in the Annex until and including 30 June 2014. In relation to some of the aid schemes the notifications seek an increase of the budget as indicated in the Annex, which represents an increase of less than 20% of the original budget.

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<sup>1</sup> OJ C 209, 23.07.2013, p.1

<sup>2</sup> OJ C 54, 04.03.2006, p. 13.

<sup>3</sup> Decision C(2013) 7643 - not yet published in OJ

<sup>4</sup> Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty, OJ L 140, 30.04.2004, p. 1.

<sup>5</sup> State aid cases SA.37256, SA.37257 and SA.37258 (2013/N), decision C(2013) 9777- not yet published in OJ

<sup>6</sup> With effect from 1 December 2009, Articles 87 and 88 of the EC Treaty have become Articles 107 and 108, respectively, of the TFEU. The two sets of provisions are, in substance, identical. For the purposes of this Decision, references to Articles 107 and 108 of the TFEU should be understood as references to Articles 87 and 88, respectively, of the EC Treaty where appropriate.

- (6) Germany confirmed that all other conditions and commitments contained in the respective Commission decisions approving the State aid schemes as listed in the Annex remain unchanged.
- (7) Germany further confirmed that the methods to calculate the aid element in guarantees approved by the Commission in cases N 197/2007<sup>7</sup> and N 541/2007<sup>8</sup>, to which the respective initial Commission decisions approving the State aid schemes refer, have been adapted to the 2008 Guarantee Notice<sup>9</sup>, following the method approved by the Commission by its decision C(2013) 9777<sup>10</sup>.
- (8) Germany confirmed that the notification does not contain business secrets. Therefore, the full text of the letter will be published on the Internet site <http://ec.europa.eu/competition/elojade/isef/index.cfm>.

### **3. ASSESSMENT**

- (9) The Commission assesses the notified amendments in accordance with Article 4 of the Implementing Regulation and on the basis of the RAG 2007-13 and of paragraphs 186 and 187 of the RAG 2014-20.
- (10) The Commission notes that the notifications concern the prolongation of authorised aid schemes as listed in the Annex until and including 30 June 2014, which is in conformity with paragraph 187 of the RAG 2014-2020. As the prolongation of these authorised aid schemes is limited to six months (i.e. from 1 January 2014 until 30 June 2014), it is significantly shorter than the six year period provided for in Article 4(2)(b) of the Implementing Regulation.
- (11) The Commission also notes that, in accordance with Article 4(1) of the Implementing Regulation, an increase in the original budget which does not exceed 20% is not considered an alteration to existing aid.
- (12) The Commission is therefore of the view that the prolongation of the aid schemes listed in the Annex until and including 30 June 2014, and, if applicable, the increase in their budgets are compatible with the internal market pursuant to Article 107 (3) of the Treaty on the Functioning of the European Union for the same reasons set out in the decisions authorising the aid schemes in question.

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<sup>7</sup> Approved by letter C(2007)4287 of 25.09.2007 and published in OJ C 248 of 23.10.2007, p. 3.

<sup>8</sup> Approved by letter C(2007)5626 of 29.11.2007 and published in OJ C 16 of 23.01.2008, p. 4.

<sup>9</sup> Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (OJ C 155 of 20 June 2008, p. 10).

<sup>10</sup> State aid cases SA.37256, SA.37257 and SA.37258 (2013/N), decision C(2013) 9777 - not yet published in OJ

#### **4. CONCLUSION**

- (13) The Commission has accordingly decided to consider the notified amendments to the State aid schemes as listed in the Annex to be compatible with the internal market pursuant to Article 107 (3) of the TFEU.

Yours faithfully,

For the Commission

*Joaquín ALMUNIA*  
Vice-President

## Annex

**List of State aid schemes for which an extension of the duration until and including 30 June 2014 and for some of which an increase in the budget is notified in relation to State aid schemes approved under the RAG 2007-2013**

State aid number	Date of Notification	Title	Notified duration	Notified budget increase	State aid Number of the originally approved scheme <sup>11</sup>
SA.37676	08/11/2013	Guarantee scheme of Brandenburg for investment and working capital loans	1/1/2014-30/06/2014	No increase notified	N 433/2007
SA.37677	08/11/2013	Guarantee scheme of Saxony-Anhalt for working capital loans	1/1/2014-30/06/2014	Notified increase of less than 20% of approved total budget	N 311/2008
SA.37678	08/11/2013	Guarantee scheme of Thüringen for investment and working capital loans (Landesbürgschaftsprogramm)	1/1/2014-30/06/2014	No increase notified	N 430/2007
SA.37680	08/11/2013	Saxon State Guarantee Programme	1/1/2014-30/06/2014	Notified increase of less than 20% of approved total budget	N 443/2008
SA.37681	08/11/2013	Guarantee scheme for Thüringer Aufbaubank for investment and working capital loans (TAB-Bürgschaftsprogramm)	1/1/2014-30/06/2014	No increase notified	N 432/2007
SA.37686	08/11/2013	Guarantee scheme of Mecklenburg-Vorpommern for investment and working capital loans	1/1/2014-30/06/2014	No increase notified	N 431/2007
SA.37705	08/11/2013	Federal guarantee scheme for Eastern Germany for investment and working capital loans	1/1/2014-30/06/2014	No increase notified	N 439/2007

<sup>11</sup> All Commission decisions which have approved the State aid schemes in question are published in their authentic language on <http://ec.europa.eu/competition/elojade/isef/index.cfm>; the latter also informs about the reference to the Official Journal where a summary of the respective decisions has been published in all official languages.