



Brussels, 11.5.2020
C(2020) 3188 final

PUBLIC VERSION

This document is made available for
information purposes only.

Subject: State Aid SA.57256 (2020/N) – Italy (Friuli Venezia Giulia) COVID-19: Amendment of the scheme SA.57005 (2020/N)-Granting of State aid under the COVID-19 anti-crisis program provided for by article 12 of the regional law n. 5/2020 in compliance with the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak

Excellency,

1. PROCEDURE

- (1) By electronic notification of 6 May 2020, Italy notified an amendment of the aid scheme SA.57005 (2020/N) which the Commission approved on 21 April 2020 under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, as amended (“the Temporary Framework”).¹
- (2) The Italian authorities confirm that the notification does not contain confidential information.
- (3) 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 1/1958,² and to have this Decision adopted and notified in English.

* Handling instructions for SENSITIVE information are given at <https://europa.eu/db43PX>

¹ Communication from the Commission - Temporary framework for State aid measures to support the economy in the current COVID-19 outbreak, 19 March 2020, OJ C 91I, 20.3.2020, p. 1-9, as amended by Communication from the Commission C(2020) 2215 final of 3 April 2020 on the Amendment of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, OJ C 112I, 4.4.2020, p. 1–9.

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

00194 Roma

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111

2. DESCRIPTION OF THE SCHEME

- (4) By this notification, the Italian authorities wish to amend the existing aid scheme SA.57005 (2020/N) “Granting of State aid under the COVID-19 anti-crisis program provided for by article 12 of the regional law n. 5/2020 in compliance with the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak” (“the existing aid scheme”) approved by Decision C(2020)2624 final of 21 April 2020 (“the initial decision”).
- (5) The objective of the existing aid scheme is to remedy the severe lack of liquidity suffered by the undertakings in the agricultural, forestry, fishery and aquaculture sectors that puts at risk the continuation of their activity. The modified scheme pursues the same objective.
- (6) The only amendment concerns an increase of the budget by EUR 50 million. The total budget of the scheme will then amount to EUR 100 million.
- (7) All the other conditions of the existing aid scheme remain unchanged and as described in the initial decision.

2.1. Legal basis

- (8) The legal basis for the measure is:
 - a) the regional law n. 5/2020, article 12;
 - b) the regional Council deliberation n. 610/2020 of 24 April 2020.

3. ASSESSMENT

3.1. Lawfulness of the scheme

- (9) By notifying the scheme before putting it into effect, 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 affect trade between Member States.
- (11) The existence of aid within the meaning of Article 107(1) TFEU was established in the initial decision. The Commission therefore refers to the assessment contained in recitals (37) to (42) of the initial decision.

3.3. Compatibility

- (12) The Commission has examined the notified measure pursuant to Article 107(3)(b) TFEU.

- (13) Pursuant to Article 107(3)(b) the Commission may declare compatible with the internal market aid “*to remedy a serious disturbance in the economy of a Member State*”.
- (14) By adopting the Temporary Framework on 19 March 2020, the Commission acknowledged (in Section 2) that “*the COVID-19 outbreak affects all Member States and that the containment measures taken by Member States impact undertakings*”. The Commission concluded that “*State aid is justified and can be declared compatible with the internal market on the basis of Article 107(3)(b) TFEU, for a limited period, to remedy the liquidity shortage faced by undertakings and ensure that the disruptions caused by the COVID-19 outbreak do not undermine their viability, especially of SMEs*”.
- (15) In its initial decision, the Commission concluded that the existing aid scheme was compliant with the compatibility conditions set out by the Temporary Framework.
- (16) The Commission refers to its analysis of compatibility as set out in recitals (43) to (52) of the initial decision. Apart from the modifications referred to in recital (6) above, the Commission notes that there are no other alterations to the existing aid scheme (recital (7)). The Commission considers that the estimated increase in the total budget is appropriate, proportionate and necessary to achieve the objectives of the existing aid scheme more effectively.
- (17) The Commission therefore considers that the notified scheme does not affect the compatibility analysis of the existing aid scheme as set out in the initial decision.

4. CONCLUSION

The Commission has accordingly decided not to raise objections to the aid 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.

Yours faithfully,

For the Commission

Margrethe VESTAGER
Executive Vice-President

