



EUROPEAN COMMISSION

Brussels, 5.8.2020
C(2020) 5496 final

<p>In the published version of this decision, some information has been omitted, pursuant to articles 30 and 31 of Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, concerning non-disclosure of information covered by professional secrecy. The omissions are shown thus [...]</p>	<p style="text-align: center;">PUBLIC VERSION</p> <p>This document is made available for information purposes only.</p>
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Subject: SA.57178 (2020/N) – Romania – COVID-19 - Aid to Timișoara Airport

Excellency,

1. PROCEDURE

- (1) On 13 May 2020, Romania pre-notified to the Commission an aid in the form of a direct grant (“the measure”) for Societatea Națională "Aeroportul Internațional Timișoara - Traian Vuia" - S.A. (“Timișoara Airport” or the “Airport”). During the pre-notification phase, several telephone conferences between the Romanian authorities and the Commission services took place. On 28 May, 10, 11 and 29 June and on 8, 16 and 30 July 2020, the Romanian authorities submitted additional information.
- (2) By electronic notification of 29 July 2020, Romania notified the measure to the Commission in accordance with Article 108(3) of the Treaty on the Functioning of the European Union (“TFEU”) as aid compatible with the internal market under Article 107(2)(b) TFEU.

Mr. Bogdan Aurescu
Minister of Foreign Affairs
Aleea Alexandru nr. 31, Sector 1011822 Bucharest

- (3) Romania exceptionally agrees to waive its rights deriving from Article 342 TFEU, in conjunction with Article 3 of Regulation 1/1958,¹ and to have this Decision adopted and notified in English.

2. DESCRIPTION OF THE MEASURE

2.1. Measures to address the COVID-19 outbreak and objective of the measure

- (4) The COVID-19 outbreak has resulted in travel restrictions and closing down the vast majority of passenger air transport. Further to the evolution of the COVID-19 outbreak and the declaration on 11 March 2020 of the pandemic by the World Health Organization (the “WHO”), on 16 March 2020 the Romanian President declared he state of emergency on the territory of Romania for an initial period of 30 days. Romania subsequently extended the state of emergency on 16 April 2020 for an additional month in an effort to contain the new coronavirus pandemic. On 14 May 2020, the Romanian government declared the alert status on the Romanian territory for a period of 30 days until 16 June 2020 replacing the state of emergency. It later extended the alert status until 16 July 2020.
- (5) During that period (11 March to 16 July 2020), in order to prevent and limit the spread of the COVID-19 virus on the territory of Romania, the Romanian authorities adopted various containment measures. They included limitation related to the free movement of people, travel and gatherings, schools, and the carrying out of commercial activities, including the gradual suspension of most of the commercial flights to and from Romania (the “COVID-19 restrictions”). The flight restrictions did not apply to flights performed by State aircraft, freight and mail, humanitarian or emergency medical services, as well as non-commercial technical landings and charters transporting workers subject to the prior approval of the competent authorities of the countries of destination.
- (6) Due to those various restrictive measures taken at national level in Romania and in the other countries in relation to the movement of people on national territory and across borders, the airlines operating at Timișoara Airport gradually reduced their scheduled flights during March 2020, culminating in the total cessation of their operations on 25 March 2020.
- (7) Flight operations across all airports in Romania were gradually suspended by the Romanian governmental authorities as follows:
- starting on 9 March 2020, all flights to / from Italy for an initial period of 14 days, subsequently extended until 16 July 2020;
 - starting on 18 March 2020, all flights to / from Spain for an initial period of 14 days, subsequently extended until 16 July 2020;

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

- starting on 25 March 2020, all flights to / from France and Germany for an initial period of 14 days, subsequently extended until 16 June 2020 for flights to / from Germany and until 16 July 2020 for flights to / from France;
 - starting on 5 April 2020, all flights from Austria, Belgium, Switzerland, the United States of America ('USA'), the United Kingdom, Ireland, the Netherlands, Turkey and Iran for an initial period of 14 days. They subsequently extended those suspensions until 16 June 2020 for flights to / from Austria and Switzerland and until 16 July 2020 for flights to / from Belgium, Iran, the United Kingdom, the Netherlands, USA and Turkey.
- (8) Between 25 March and 16 June 2020, there were no scheduled commercial flights to / from Timișoara Airport and, the number of passengers registered was zero (except for humanitarian, medical and emergency flights and a few charter ad-hoc flights for transportation of seasonal workers). Cargo activities were insignificant.
- (9) In March 2020 (the month when the COVID-19 restrictions adopted by the national public authorities started), the traffic dropped by 67 % to [...] passengers from [...] registered in March 2019 (see Table 1). This resulted in significant net losses suffered by Timișoara Airport due to reduced traffic and related revenues, whilst it still had to bear costs that were necessary to preserve the continuation of its activity and to satisfy financial obligations.

Table 1 - The passenger traffic situation at Timișoara Airport

Month	Realized Passengers 2019	Realized Passengers 2020	Evolution
JANUARY	[...]	[...]	14.9 %
FEBRUARY	[...]	[...]	3.7 %
MARCH	[...]	[...]	-67.0 %
APRIL	[...]	[...]	-99.1 %
MAY	[...]	[...]	-98.7 %
1-16 JUNE	[...]	[...]	-97.7 %

- (10) The objective of the notified measure is to compensate for the net losses of Timișoara Airport caused by the suspension of flights, a direct effect of the COVID-19 restrictions. That compensation will preserve the continuity of the company, which has been put in danger by the exceptional occurrence. The Romanian authorities submit that in the absence of the aid, Timișoara Airport would probably have to declare bankruptcy and exit the market.
- (11) The Romanian authorities have notified the measure based on Article 107(2)(b) TFEU.

2.2. National legal basis

- (12) The legal basis for the measure is the draft Order on granting a State aid to the National Company "Timișoara International Airport - Traian Vuia" - Joint-Stock Company for 2020 issued by the Minister of Transport, Infrastructure and Communication of Romania.

2.3. Form, budget and duration of the measure

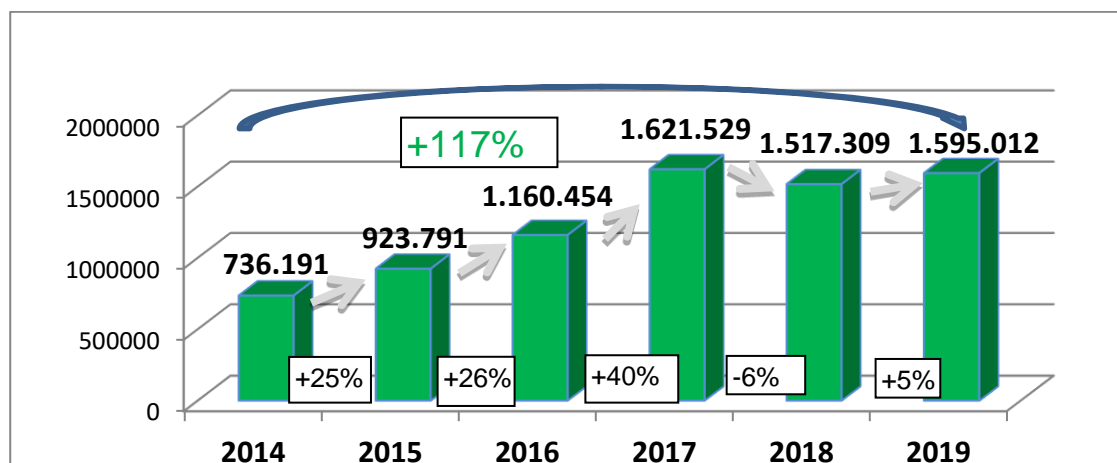
- (13) The measure provides an individual aid in the form of a direct grant for Timișoara Airport.
- (14) The total budget of the measure is RON 4 776 234 (EUR 987 744). The aid will be granted through the budget of the Ministry of Transport, Infrastructure and Communications (the “MTIC”).
- (15) The aid will be granted by 31 December 2020. It will cover the damage suffered by Timișoara Airport as a direct result of the COVID-19 restrictions in place between 16 March 2020 and 16 June 2020 (“the compensation period”).

2.4. Beneficiary

- (16) The beneficiary of the measure is Timișoara Airport.
- (17) Timișoara Airport is a joint stock company, 80 % being owned by the Romanian State, represented through the MTIC and 20% owned by Fondul Proprietatea², whose financing sources are ensured from its own revenues and, in addition, through transfers from the State budget, in accordance with the legal provisions in force.
- (18) The Timișoara Airport’s infrastructure and the available airport equipment allow the landing of short, medium and long haul aircraft. According to the Winter 2019-2020 and Summer 2020 Schedule, 127 regular passenger flights to 22 destinations were scheduled.
- (19) In 2019, Timișoara Airport registered 1 595 012 passengers, an increase of 5.1 % compared to 2018 (see Table 2). Before the COVID-19 outbreak, it planned with 1 700 000 passengers for 2020. Timișoara Airport is the third airport in Romania in terms of passenger traffic, after the "Henri Coandă" Bucharest Airport and Cluj-Napoca International Airport.

² Fondul Proprietatea was created as a joint stock company in 2005 by Law no. 247/2005 regarding the reforms in the sectors of justice and property as well as certain related measures. It operates under the control of the general assembly of shareholders. The purpose of creating the Fund was to ensure the financial resources necessary to compensate the persons abusively expropriated. <https://www.fondulproprietatea.ro/about-fund/fund-history#2009-content>

Table 2 - Timișoara Airport Passenger traffic 2014-2019



- (20) Timișoara Airport employs 241³ persons.
- (21) In 2019, its annual turnover amounted to RON 54 139 000 (approximately EUR 11 million) and its balance-sheet total to RON 84 878 000 (approximately EUR 17.8 million)⁴.
- (22) During the period 2014-2019, Timișoara Airport posted profits (operating profit and gross / net profit) at the end of each financial year (see **Table 3**)

Table 3 - Financial results of Timișoara Airport from 2014 to 2019

Year	Total income	Total expenses	Gross profit	Operating income	Operating expenses	Operational profit
2014	[...]	[...]	[...]	[...]	[...]	[...]
2015	[...]	[...]	[...]	[...]	[...]	[...]
2016	[...]	[...]	[...]	[...]	[...]	[...]
2017	[...]	[...]	[...]	[...]	[...]	[...]
2018	[...]	[...]	[...]	[...]	[...]	[...]
2019	[...]	[...]	[...]	[...]	[...]	[...]

2.5. Eligible costs and modalities for compensation

- (23) The Romanian authorities submit that the amount of aid can be calculated as the net losses (actual damage) by taking into account the loss of revenues and avoided costs during the compensation period (16 March 2020 – 16 June 2020) in comparison with the same period in 2019.
- (24) According to the Romanian authorities, the damage and hence the amount of aid can be calculated at the date of adoption of this decision, as the data for the actual

³ Annual average number of employees in 2019.

⁴ Exchange rate on 31 December 2019: 1 RON = 0,20893 EUR.

damage during the compensation period (16 March 2020 – 16 June 2020) are known.

- (25) The eligible costs correspond to the damage suffered by Timișoara Airport as a direct result of the COVID-19 restrictions. The damage is defined as the net losses incurred by Timișoara Airport within the compensation period from 16 March 2020 to 16 June 2020 due to the lack of activity caused directly by the COVID-19 restrictions.
- (26) The net losses (actual damage) are calculated by taking into account the loss of revenues and avoided costs during the compensation period by comparing the results of Timișoara Airport during that period with the results that it would have expected to achieve absent the COVID-19 restrictions. The proxy for that counterfactual are its results during the same period of the previous year (16 March 2019 - 16 June 2019).
- (27) The avoided costs correspond to all costs Timișoara Airport would have incurred if its activity had not been affected by the COVID-19 restrictions, and that the Airport has not actually incurred in this period due to its suspended activities. The avoided costs are calculated by comparing the costs actually borne by Timișoara Airport during the compensation period and the costs incurred during the same period of the previous year.
- (28) Romania has submitted the actual net losses registered by Timișoara Airport for the compensation period from 16 March 2020 until 16 June 2020.
- (29) The Airport's net loss directly caused by the containment measures taken by governments as a consequence of the COVID-19 outbreak is RON 4 776 234 (EUR 987 744) for the period 16 March – 16 June 2020, by comparing the airport's results over that period and the airport's results for the period 16 March – 16 June 2019.
- (30) The Romanian authorities have submitted the following actual ex-post data on revenues and expenses for the compensation period and for the reference period 16 March 2019 – 16 June 2019 (see **Table 4**).

Table 4 - Financial results of Timișoara Airport

	Total revenues (RON)		Revenue loss (RON)	Total expenses (RON)		Avoided costs (RON)	Damage (RON)
	2020	2019		2020	2019		
16 - 31 March	[...]	[...]	[...]	[...]	[...]	[...]	1 272 607
April	[...]	[...]	[...]	[...]	[...]	[...]	690 321
May	[...]	[...]	[...]	[...]	[...]	[...]	2 322 735
1 – 16 June	[...]	[...]	[...]	[...]	[...]	[...]	490 571
16 March – 16 June	[...]	[...]	[...]	[...]	[...]	[...]	4 776 234

- (31) The amount of net losses will be subsequently verified by an independent financial auditor and reported to the MTIC by 15 February 2021. That report will also be submitted to the Commission.
- (32) In order to avoid an overcompensation, the MTIC will verify until 28 February 2021 that Timișoara Airport received only what is necessary to cover the net losses. In case of overcompensation, the MTIC will require Timișoara Airport to reimburse the amount related to it, including interest.

2.6. Mitigation measures taken by Timișoara Airport

- (33) In order to mitigate the damage caused by the COVID-19 restrictions set out in recital (7), Timișoara Airport took several measures in compliance with applicable legislation that reduced some of its fixed and semi-fixed costs while keeping the Airport operational.
- (34) Thus, during the compensation period, Timișoara Airport put into practice a Plan for the reorganization of the airport's activities which provided for the following measures:
- reduction of expenses: e.g. all variable expenses and part of the semi-fixed expenses relating to x-ray maintenance services or the parking management system;
 - suspension of numerous contracts with service providers: e.g. advertising services, water drainage services, airport infrastructure maintenance services, deferral of payment for utilities;
 - temporary suspension of 194 individual employment contracts and sending the employees concerned into technical unemployment, with payment of 75 % of the legal basic salary;
 - amendment of the collective labour contract at company level to postpone the employees' bonuses until the recovery of the company's activity;
 - termination of those employment contracts that had been concluded for a determined period;
 - putting on hold employment procedures for vacancies;
 - the work schedule and the salary related was reduced to the period worked for certain employees, proportionally to the reduction of the Airport activity;
 - the board members waived 25 % of their monthly allowances;
 - modification of the Airport operating programme from 24/24, to a programme covering only 07.00-22.00. Thus, the operation of the Airport between 1 April and 30 June 2020 was ensured by 40 employees, out of a total of 241 employees.

2.7. Commitments

- (35) Timișoara Airport declares that, within the limits of the legal possibilities, the remuneration or other benefits of the management of the company (board of administrators, executive managers) or employees of Timișoara Airport does not exceed a reasonable remuneration, as follows: in particular, in 2020 no bonus payments will be paid to board members or executive managers or employees in excess of 50 % of their bonus payments for the previous year.
- (36) Timișoara Airport also commits not to use the aid to engage in an aggressive commercial expansion or to take excessive risks. In that respect, in particular, Timișoara Airport will not use the aid for acquiring any stake in competitors or other operators in the same line of business, including upstream and downstream operations.

2.8. Cumulation

- (37) The Romanian authorities confirm that the aid may not be cumulated with other aid for the same eligible costs.

3. ASSESSMENT

3.1. Legality of the measure

- (38) By notifying the measure before putting it into effect, the Romanian authorities have respected their stand still obligations under Article 108(3) TFEU.

3.2. Existence of State aid

- (39) By virtue of Article 107(1) TFEU *"any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market."*
- (40) 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.
- (41) The measure is imputable to the State, since it is based on the Order issued by the Minister of Transport, Infrastructure and Communication and the granting authority is the MTIC. It is financed through State resources, since it is financed from the State budget.
- (42) The measure confers an advantage on Timișoara Airport in the form of a direct grant.
- (43) The measure is selective, since it is granted to a single beneficiary, Timișoara Airport.

- (44) The measure is liable to distort competition, since it strengthens the competitive position of Timișoara Airport. It also affects trade between Member States, since Timișoara Airport is active in the aviation sector, in which intra-Union trade exists.
- (45) In view of the above, the Commission concludes that the measure constitutes aid within the meaning of Article 107(1) TFEU.

3.3. Compatibility

3.3.1. *The notion of exceptional occurrences with the meaning of Article 107(2)(b) TFEU*

- (46) Article 107(2)(b) TFEU provides that aid to make good damage caused by natural disasters or exceptional occurrences shall be compatible with the internal market. Neither the TFEU, nor other Union legislation contains a precise definition of the notion of exceptional occurrence. As they constitute exceptions to the general prohibition of State aid within the internal market laid down in Article 107(1) TFEU, the Commission, in line with the consolidated Union case-law⁵ has consistently held that the notions of ‘natural disaster’ and ‘exceptional occurrence’ referred to in Article 107(2)(b) TFEU must be interpreted restrictively.
- (47) The characterization of an event as being an exceptional occurrence is made by the Commission on a case-by-case basis, having regard to its previous practice in the field⁶. In that regard, the following indicators relating to the event concerned must be cumulatively met: (i) unforeseeable or difficult to foresee⁷; (ii) significant scale/economic impact⁸ and (iii) extraordinary⁹.

⁵ Judgement of the Court of Justice of 11 November 2004, *Spain v Commission*, C-73/03, EU:C:2004:711, paragraph 37 and judgment of the Court of Justice of 23 February 2006, *Atzeni and others*, in Joined Cases C-346/03 and C-529/03, EU:C:2006:130 paragraph 79.

⁶ Exceptional occurrences which have been accepted in the past by the Commission include war, internal disturbances and strikes, and, with certain reservations and depending on their extent, major industrial accidents which result in widespread economic loss, see Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020, paragraph 330 (OJ C 204, 1.07.2014, p. 53).

⁷ Commission Decision of 1 August 2008, case SA.32163, Remediation of damage to airlines and airports caused by seismic activity in Iceland and the volcanic ash in April 2010, Slovenia, paragraph 31.

⁸ Elements taken into account by the Commission to consider that the occurrence reached a significant scale: negative consequences cannot be contained (Commission Decision of 4 October 2000 on case NN 62/2000, Régime temporaire d'aides aux entreprises victimes des intempéries et de la marée noire –France), or because of the number of dead or injured people (Commission Decision of 11 April 2012 on case SA.33487, Agricultural and fisheries aid to compensate for damage due to exceptional occurrence (red mud "Aluminium accident"), Hungary, paragraph 35; Commission Decision of 2 May 2002 on case N241/2002, Régime en faveur des entreprises victimes de la catastrophe industrielle de Toulouse, France, paragraph 19), the immense ecological and economic damage (Commission Decision of 11 April 2012 on case SA.33487, paragraph 36), the amount of material damage, despite the local character of the industrial accident (Commission Decision of 2 May 2002 on case N 241/2002, paragraph 19).

3.3.2. COVID-19 outbreak as an exceptional occurrence

- (48) Following the first reports of cases of acute respiratory syndrome (COVID-19) in the Wuhan municipality in China at the end of December 2019, the Chinese authorities identified a novel coronavirus (SARS-CoV-2) as the main causative agent, which had not been previously identified in humans. The outbreak has rapidly evolved, affecting not only other parts of China but has also spread to the majority of countries worldwide, including all Member States. Outbreaks of novel virus infections among people are always a public health concern and can have a significant economic impact. Specific sectors and areas are particularly affected by the outbreak, be it because of national outbreak control measures, travel restrictions or supply chain disruptions.
- (49) According to WHO reports and observations of the current situation, the spread of COVID-19 can result in far-reaching disruption of various economic sectors. That disruption is thus clearly outside the normal functioning of the market. In order to avoid an exponential increase in the number of cases, accompanied by social alarm and severe economic consequences, containment measures need to be adopted.
- (50) On 11 March 2020, the WHO characterised the COVID-19 disease as a pandemic. The public health risk deriving from the absence of therapeutics or vaccines for the novel COVID-19 virus determine the exceptionality of the circumstances. The rapidity of the spread has caused enormous consequences both in terms of fatal outcomes in high-risk groups and in terms of economic and societal disruption¹⁰. The necessity to adopt and encourage the respect of measures aimed at interrupting transmission chains stems from that acknowledgement.
- (51) In March-April 2020, Member States adopted various measures that aimed to limit the spread of the coronavirus, e.g. travel restrictions for non-essential travels, closure of borders, closure of non-essential shops, obligation for companies to organise working from home for every position where it is possible and various social distancing measures.
- (52) In view of those elements, the COVID-19 outbreak qualifies as an exceptional occurrence, as it was not foreseeable and is clearly distinguishable from ordinary events, by its character and its effects on the affected undertakings and the economy in general, and therefore falls outside the normal functioning of the market.

⁹ In its Decision of 19 May 2004 in case C-59/2001 (OJ L 62, 2007, p. 14), the Commission considered that the (alleged) fall in sales of poultry meat in a Member State not directly affected by the dioxin contamination did not in itself constitute an exceptional occurrence. Even though it was an unforeseeable event, it formed part of the normal commercial risks to which an undertaking is exposed.

¹⁰ ECDC's Rapid Risk Assessment, Outbreak of novel Coronavirus disease 2019 (COVID-19): increase transmission globally – fifth update, 2 March 2020.

- (53) The Commission therefore concludes that the COVID-19 outbreak can be considered as an exceptional occurrence within the meaning of Article 107(2)(b) TFEU¹¹.

3.3.3. *Causal link between the damage and the COVID-19 outbreak*

- (54) The Commission has examined the notified individual measure pursuant to Article 107(2)(b) TFEU. That assessment has led to the following observations.
- (55) The first flights were suspended starting on 9 March 2020. On 16 March 2020, the Romanian president declared a state of emergency on the territory of Romania for an initial period of 30 days. Subsequently further flights were suspended which resulted in a complete suspension of all flights from 25 March 2020, with the exception of special flights (see recitals (7) and (8)). On 14 May 2020, the Romanian Government declared the alert status on the Romanian territory for a period of 30 days that it subsequently extended until 16 July 2020 (see recitals (4) to (6)). All those measures were intended to avoid the spread of the virus. The Commission notes that certain flight restrictions have been lifted and some of the scheduled flights to / from Timișoara Airport restarted as of 17 June 2020. Since then passenger traffic has been slowly resuming at the airport.
- (56) Therefore, the Commission considers that the causal link between the COVID-19 pandemic and the damage can be established for the period from 16 March 2020, when the state of emergency on the territory of Romania was first declared, until 16 June 2020 when air traffic at Timisoara airport started to resume.
- (57) The Commission observes that the notified measure aims to cover the net losses of Timișoara Airport caused by the suspension of flights as a direct effect of the COVID-19 restrictions.
- (58) The Commission concludes that, therefore, the notified measure is directly linked to the COVID-19 outbreak, which qualifies as an exceptional occurrence.

3.3.4. *Proportionality of the aid measure*

- (59) In order to be compatible with Article 107(2)(b) TFEU, the aid must be proportionate to the damage caused by the exceptional occurrence. Aid must not result in over-compensation of damage; it should only make good the damage caused by the exceptional occurrence.
- (60) To effectively ensure proportionality, it is necessary to analyse the assumptions and evidence on which the calculation of damage for the factual scenario is based. In particular, it is necessary to look at how the exceptional occurrence has actually and directly affected the operations of Timișoara Airport and what actual impact it has had on the costs and revenues of the company.

¹¹ See Commission Decision of 12 March 2020 in State aid case SA.56685 (2020/N) – Denmark – Compensation scheme for cancellation of events related to COVID-19 and Commission Decision of 31 March 2020 in State aid case SA.56765 (2020/N) – France – CODIV-19 Moratoire sur le paiement de taxes et redevances aéronautiques en faveur des entreprises de transport public aérien sous licences d'exploitation délivrées par la France.

- (61) Firstly, the Commission notes that the aid is strictly limited to compensation for the damage directly caused by the COVID-19 outbreak during the period from 16 March to 16 June 2020.
- (62) The Commission further notes that, as described in section 0, the net losses (actual damage) are calculated by taking into account the loss of revenues and avoided costs during the compensation period by comparing the results of Timișoara Airport during that period with the results that it would have expected in the absence of COVID-19 restrictions. The proxy for that counterfactual is the results of Timișoara Airport during the same months of the previous year.
- (63) The Commission notes that the avoided costs correspond to all the costs the Timișoara Airport would have incurred if its activity had not been affected by the COVID-19 restrictions, and that the Airport has not actually incurred in the compensation period due to its suspended activities. The proxy for avoided costs is calculated by comparing the costs actually borne by Timișoara airport during the compensation period and the costs incurred in the same months of the previous year.
- (64) On the basis of the actual data submitted by the Romanian authorities as set out in **Table 4** the Commission considers that the total aid amount notified by Romania under Article 107(2)(b) TFEU, i.e. a compensation of RON 4 776 234 (EUR 987 744), corresponds to the damage Timișoara Airport suffered as a direct consequence of the restrictive measures taken to address the COVID-19 outbreak. On the one hand, that exceptional circumstance led to the interruption of operations and to a significant loss of revenue between 16 March and 16 June 2020 compared to the same period in 2019. On the other hand, the interruption of operations allowed Timișoara Airport to avoid significant costs between 16 March and 16 June 2020 compared to the same period in 2019, which are taken into account in the calculations by the Romanian authorities.
- (65) For the above reasons the Commission concludes that the notified compensation by Romania to Timișoara Airport does not exceed the damage caused to Timișoara Airport by the exceptional occurrence as quantified as the difference between the lost revenues and the avoided costs between 16 March and 16 June 2020.
- (66) The Commission concludes that the notified measure provides for compensation that does not exceed what is necessary to make good the damage.
- (67) The Commission furthermore notes that the Romanian authorities have committed to review the Airport's net losses related to the COVID-19 restrictions by no later than 28 February 2021 based on a report by an independent financial auditor (see recital (31)). The Romanian authorities have committed to submit to the Commission the results of that review by 30 June 2021.
- (68) Finally, the Commission takes note that the Romanian authorities commit to ensure that Timișoara Airport repays any over-compensation should the analysis show that the total aid received by Timișoara Airport to compensate the damage caused by the COVID-19 restrictions exceed the actual damage, also taking into account other public aid measures covering the same net losses.
- (69) The Commission therefore concludes that the measure is proportionate.

(70) In view of the above, the Commission considers that the notified aid is compatible with the internal market in accordance with Article 107(2)(b) TFEU.

4. CONCLUSION

In view of the above, 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(2)(b) of the Treaty on the Functioning of the European Union.

If this letter contains confidential information which should not be disclosed to third parties please inform the Commission within fifteen working days of the date of receipt. If the Commission does not receive a reasoned request by that deadline, you will be deemed to agree to the disclosure to third parties and to the publication of the full text of the letter in the authentic language on the Internet site: <http://ec.europa.eu/competition/elojade/isef/index.cfm>.

Your request should be sent electronically to the following address:

European Commission
Directorate-General for Competition
State Aid Greffe
B-1049 Brussels
Stateaidgreffe@ec.europa.eu

Yours faithfully

For the Commission

Margrethe VESTAGER
Executive Vice-President

