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**Subject: State Aid SA.58727 (2020/N) – Italy  
COVID-19: supporting measures for companies for reducing the  
contagion risk in the workplace**

Excellency,

**1. PROCEDURE**

- (1) By electronic notification of 23 September 2020, Italy notified a scheme for limited amounts of aid (supporting measures for companies for reducing the contagion risk in the workplace, “the measure”) under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, as amended (“the Temporary Framework”).<sup>1</sup>
- (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<sup>2</sup> and to have this Decision adopted and notified in English.

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<sup>1</sup> Communication from the Commission - Temporary framework for State aid measures to support the economy in the current COVID-19 outbreak, OJ C 91I, 20.3.2020, p. 1, 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, by Communication from the Commission C(2020) 3156 final of 8 May 2020 on the Amendment of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, OJ C 164, 13.5.2020, p. 3 and by Communication from the Commission C(2020) 4509 final of 29 June 2020 on the Third Amendment of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, OJ C 218, 2.7.2020, p. 3.

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

Onorevole Luigi Di Maio  
Ministro degli Affari esteri e della Cooperazione Internazionale  
P.le della Farnesina 1  
I - 00194 Roma

## **2. DESCRIPTION OF THE MEASURE**

- (3) Italy considers that the COVID-19 outbreak has started to affect the real economy. The measure forms part of an overall package of measures and aims to ensure that sufficient liquidity remains available in the market, to counter the liquidity shortage faced by undertakings because of the outbreak, to ensure that the disruptions caused by the outbreak do not undermine the viability of the undertakings and thereby to preserve the continuity of economic activity during and after the outbreak although protecting the people's health and safety.
- (4) Italy confirmed that the aid under the measure is not conditioned on the relocation of a production activity or of another activity of the beneficiary from another country within the EEA to the territory of the Member State granting the aid. This is irrespective of the number of job losses actually occurred in the initial establishment of the beneficiary in the EEA.
- (5) The compatibility assessment of the measure is based on Article 107(3)(b) TFEU, in light of sections 2 and 3.1 of the Temporary Framework.

### **2.1. Objective of the measure**

- (6) The measure aims to support companies affected by the adoption of measures to reduce the risk of contagion in the workplace. It ensures continuity in the performance of production activities, while preserving people's health and safety.

### **2.2. The nature and form of aid**

- (7) The measure provides aid in the form of direct grants.

### **2.3. Legal basis**

- (8) The legal basis for the measure is Article 95 of the Law Decree 19 May 2020, no. 34 (the so-called "Relaunch decree"), converted, with modifications, by the Law of 17 June 2020, no. 77, containing "Urgent measures in the field of health, support for work and the economy, as well as social policies related to the epidemiological emergency from COVID-19".

### **2.4. Administration of the measure**

- (9) The Ministry of Labor and Social Policies and INAIL, "National Institute for Insurance against Accidents at Work" are the authorities responsible for the scheme. Invitalia S.p.A., "National Agency for Inward Investment and Economic Development" is the authority responsible for managing and granting the aid under the scheme.

### **2.5. Budget and duration of the measure**

- (10) The estimated budget of the measure is EUR 403 million.
- (11) Aid may be granted under the measure as from the date of adoption of this Decision until no later than 31 December 2020.

- (12) Following the adoption of this Decision, the managing authority, Invitalia (see recital (9)), will issue an implementation notice providing application criteria for the beneficiaries.

## 2.6. Beneficiaries

- (13) The final beneficiaries of the measure are SMEs and large enterprises<sup>3</sup> registered in the Italian Business Registry (Registro delle Imprese)<sup>4</sup>. Entities that are not registered in the Italian Business Registry, e.g. professionals and self-employed not performing economic activities in the form of “enterprise”, would not be among the potential beneficiaries of the measure.
- (14) Aid may not be granted under the measure to medium and large enterprises that were already in difficulty within the meaning of the General Block Exemption Regulation (“GBER”)<sup>5</sup> on 31 December 2019. Aid may be granted to micro and small enterprises that were in difficulty within the meaning of GBER on 31 December 2019, if those enterprises, at the moment of granting the aid, are not

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<sup>3</sup> As defined in Annex I to Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 187, 26.6.2014, p. 1.

<sup>4</sup> Italy confirmed that the measure applies to all undertakings registered in the Italian Business register: (<https://italianbusinessregister.it/italian-business-register>).

The subjects registered in the Italian Business Register are:

- individual business persons;
- commercial companies;
- consortia with external activities and the consortia companies;
- European Economic Interest Groups;
- public bodies with a commercial activity as their exclusive or main business;
- companies that are incorporated overseas, which have their administrative headquarters in Italy or their main company objective (subject to Italian law in accordance with Law 218/1995);
- cooperatives;
- overseas companies with branches in Italy;
- local authority special companies;
- farmers;
- small companies, which also include small independent farmers;
- simple partnership;
- professional partnership of lawyers;
- organisations classified as a corporation;
- companies engaged in management and coordination activities and those that are subject to the latter.

Artisans are also registered in the Italian Business Register, such as for instance those that are involved in the production of goods and services, the transport of items, people, agriculture, and so on. “”

<sup>5</sup> As defined in Article 2(18) of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 187, 26.6.2014, p. 1, Article 2(14) of Commission Regulation (EU) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 193, 1.7.2014, p. 1, and Article 3(5) of Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 369, 24.12.2014, p. 37.

subject to collective insolvency procedure under national law and they have not received rescue aid<sup>6</sup> or restructuring aid<sup>7</sup>.

## **2.7. Sectoral and regional scope of the measure**

- (15) The measure is open to all sectors except the financial sector. It applies to the whole territory of Italy.

## **2.8. Basic elements of the measure**

- (16) The measure has as main purpose the implementation of the provisions referred to in the Protocol regulating the measures for controlling and countering the spread of the COVID-19 virus in the workplaces, shared by the Government and the social partners on 14 March 2020, as integrated on 24 April 2020<sup>8</sup>.
- (17) The eligibility to the aid is conditioned upon the beneficiary having adopted measures to reduce the risk of contagion in the workplace through the purchase of devices and equipment for individual protection, in compliance with Law Decree no.18 of 17 March 2020 (converted, with amendments, by Law no. 27 of 24 April, 2020)<sup>9</sup>, namely:
- (a) equipment for the isolation or distancing of workers,
  - (b) electronic devices and sensors for the distancing of workers,
  - (c) equipment for the isolation or distancing of workers from external users and with respect to the supplier's and service provider's workers,
  - (d) devices for sanitizing workplaces, systems and instrument for controlling access to the workplace useful for detecting the indicators of a possible state of contagion, and/or
  - (e) devices and other personal protection tools.
- (18) The minimum amount of aid that can be granted is EUR 500, while the maximum amount is, respectively, EUR 15 000 for companies with up to 9 workers, EUR 50 000, for companies with between 10 and 50 workers and EUR 100 000 for companies with more than 50 workers. The estimated number of beneficiaries of the measure is between 20 000 and 30 000, depending on the effective size distribution of the companies applying for the measure.
- (19) The aid will be in the form of reimbursement of the costs borne by the beneficiaries for the purchase of devices and equipment for individual protection, subject to the applicable cap provided in recital (18). The costs eligible for the aid are those borne since 17 March 2020, date of the entry into force of the Law Decree no. 18, until the date of entering into operation of the portal for

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<sup>6</sup> Alternatively, if they have received rescue aid, they have reimbursed the loan or terminated the guarantee at the moment of granting of the aid under the notified measure.

<sup>7</sup> Alternatively, if they have received restructuring aid, they are no longer subject to a restructuring plan at the moment of granting of the aid under the notified measure.

<sup>8</sup> <https://www.trovanorme.salute.gov.it/norme/dettaglioAtto?id=75652&articolo=24>

<sup>9</sup> <https://www.gazzettaufficiale.it/eli/id/2020/04/29/20A02357/sg>

introducing the application, as established by Invitalia in the implementation notice (see recital (12)).

- (20) Applications would be submitted within the timeframe that Invitalia would define in the implementation notice but, in any case, no later than 31 December 2020.
- (21) The aid will be granted automatically<sup>10</sup>, in compliance with objective criteria as provided by the implementation notice (see recital (12)) and without any discretion by the Italian authority.
- (22) Italy confirmed that the aid may be granted provided its nominal value, for all measures granted in accordance with Section 3.1 of the Temporary Framework, does not exceed EUR 800 000 per undertaking. The amount of the aid will not exceed EUR 120 000 per undertaking active in fishery and aquaculture sectors or EUR 100 000 per undertaking active in the primary production of agricultural products (all figures used being expressed in gross, that is before any deduction of tax or other charges).
- (23) Italy also confirmed that where the aid is granted to undertakings active in the processing and marketing of agricultural products,<sup>11</sup> it is conditional on not being partly or entirely passed on to primary producers and is not fixed on the basis of the price or quantity of products purchased from primary producers or put on the market by the undertakings concerned.
- (24) Where the aid is granted to undertakings active in the primary production of agricultural products<sup>12</sup>, Italy confirmed that the aid is not fixed on the basis of the price or quantity of products put on the market.
- (25) Furthermore, Italy confirmed that the aid granted to undertakings active in the fishery and aquaculture sector does not concern any of the categories of aid referred to in Article 1, paragraph (1)(a) to (k) of Commission Regulation (EU) No 717/2014<sup>13</sup>.
- (26) Where an undertaking is active in several sectors to which different maximum amounts apply in accordance with points 22(a) and 23(a), Italy will ensure, by appropriate means, such as separation of accounts, that the relevant ceiling is respected for each of those activities and that the overall maximum amount of EUR 800 000 is not exceeded per undertaking. Where an undertaking is active in

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<sup>10</sup> As provided by Article 4, Legislative Decree 31 March 1998, no. 123:  
[https://www.gazzettaufficiale.it/atto/serie\\_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=1998-04-30&atto.codiceRedazionale=098G0173&elenco30giorni=false](https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=1998-04-30&atto.codiceRedazionale=098G0173&elenco30giorni=false)

<sup>11</sup> As defined in Article 2(6) and Article 2(7) of Commission Regulation (EC) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union, OJL 193, 1.7.2014, p. 1.

<sup>12</sup> All products listed in Annex I to the TFEU with the exception of the products of the fisheries and aquaculture sector.

<sup>13</sup> Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fishery and aquaculture sector, OJL 90, 28.6.2014, p. 45.

the sectors covered by point 23(a), the overall maximum amount of EUR 120 000 should not be exceeded per undertaking.

## **2.9. Cumulation**

- (27) The Italian authorities confirm that aid granted under the measure cannot be cumulated with other schemes for the same eligible costs.
- (28) The Italian authorities confirm that the measure cannot be cumulated with aid under de minimis Regulations<sup>14</sup> or the General Block Exemption Regulation<sup>15</sup> for the same eligible costs.
- (29) The Italian authorities confirm that aid under the notified measure may be cumulated with other forms of Union financing, provided that the maximum aid intensities indicated in the relevant Guidelines or Regulations are respected and the aid is not for the same eligible costs.
- (30) The Italian authorities confirm that aid granted under the measure may be cumulated with aid granted under other measures approved by the Commission under other sections of the Temporary Framework provided the provisions in those specific sections are respected and the aid is not for the same eligible costs.
- (31) The Italian authorities confirm that if the beneficiary receives aid on several occasions or in several forms under the measure or aid under other measures approved by the Commission under section 3.1 of the Temporary Framework, the overall maximum cap per undertaking, as set out in points 22(a) and 23(a) of that framework, will be respected.

## **2.10. Monitoring and reporting**

- (32) The Italian authorities confirm that they will respect the monitoring and reporting obligations laid down in section 4 of the Temporary Framework (including the obligation to publish relevant information on each individual aid above EUR 100 000 granted under the measure and EUR 10 000 in the agricultural and

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<sup>14</sup> Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352, 24.12.2013, p. 1), Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector (OJ L 352, 24.12.2013 p. 9), Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fishery and aquaculture sector (OJ L 190, 28.6.2014, p. 45) and Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest (OJ L 114, 26.4.2012, p. 8).

<sup>15</sup> Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 187 of 26.6.2014, p. 1, Commission Regulation (EC) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union, OJ L 193, 1.7.2014, p. 1 and Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union OJ L 369, 24.12.2014, p. 37.

fisheries sector on the comprehensive national State aid website or Commission's IT tool within 12 months from the moment of granting<sup>16</sup>.

### **3. ASSESSMENT**

#### **3.1. Lawfulness of the measure**

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

#### **3.2. Existence of State aid**

- (34) 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.
- (35) The measure is imputable to the State, since it is administered by the authorities as reported in recital (9) and it is based on the legislative acts mentioned in recital (8). It is financed through State resources, since it is financed by public funds.
- (36) The measure confers an advantage on its beneficiaries in the form of direct grants (see recital (7)). The measure thus relieves those beneficiaries of costs which they would have had to bear under normal market conditions.
- (37) The advantage granted by the measure is selective, since it is awarded only to certain beneficiaries as indicated in recital (13). Undertakings active in the financial sector are excluded (see recital 15).
- (38) The measure is liable to distort competition, since it strengthens the competitive position of its beneficiaries. It also affects trade between Member States, since those beneficiaries are active in sectors in which intra-Union trade exists.
- (39) In view of the above, the Commission concludes that the measure constitutes aid within the meaning of Article 107(1) TFEU. The Italian authorities do not contest that conclusion.

#### **3.3. Compatibility**

- (40) Since the measure involves aid within the meaning of Article 107(1) TFEU, it is necessary to consider whether that measure is compatible with the internal market.
- (41) Pursuant to Article 107(3)(b) TFEU the Commission may declare compatible with the internal market aid “*to remedy a serious disturbance in the economy of a Member State*”.

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<sup>16</sup> Referring to information required in Annex III to Commission Regulation (EU) No 651/2014 and Annex III to Commission Regulation (EU) No 702/2014 and Annex III of the Commission Regulation (EU) No 1388/2014.

- (42) 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*”.
- (43) The measure aims at preserving the continuity of economic activity during and after the outbreak, while also ensuring people’s health and safety, at a time when the normal functioning of credit markets is severely disturbed by the COVID-19 outbreak and that outbreak is affecting the wider economy and leading to severe disturbances of the real economy of Member States.
- (44) The measure is one of a series of measures conceived at national level by the Italian authorities to remedy a serious disturbance in their economy. The importance of the measure to preserve economic continuity is widely accepted by economic commentators and the measure is of a scale which can be reasonably anticipated to produce effects across the entire Italian economy. Furthermore, the measure has been designed to meet the requirements of a specific category of aid (“Limited amounts of aid”) described in section 3.1 of the Temporary Framework.
- (45) The Commission accordingly considers that the measure is necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a Member State and meets all the conditions of the Temporary Framework. In particular:
- The aid takes the form of direct grants (recital (7)).
  - The overall nominal value of direct grants shall not exceed EUR 800 000 per undertaking; all figures used must be gross, that is, before any deduction of tax or other charges (see recital (22)). The measure therefore complies with point 22(a) of the Temporary Framework.
  - The overall nominal value of the direct grant does not exceed EUR 120 000 per undertaking active in the fishery and aquaculture sector or EUR 100 000 per undertaking active in the primary production of agricultural products (recital (22)). The measure therefore complies with point 23(a) of the Temporary Framework;
  - Aid is granted under the measure on the basis of a scheme with an estimated budget as indicated in recital (10). The measure therefore complies with point 22(b) of the Temporary Framework;
  - As stated in recital (14)
    - Aid may not be granted under the measure to medium and large enterprises that were already in difficulty on 31 December 2019. The measure therefore complies with point 22(c) of the Temporary Framework.
    - Aid may be granted to micro and small enterprises that were in difficulty on 31 December 2019, if those enterprises, at the moment



of granting the aid, are not subject to collective insolvency procedure under national law and they have not received rescue aid or restructuring aid. The measure therefore complies with point 22(c)bis of the Temporary Framework;

- Aid will be granted under the measure no later than 31 December 2020 (see recital (11)). The measure therefore complies with point 22(d) of the Temporary Framework;
  - Aid granted to undertakings active in the processing and marketing of agricultural products are excluded when the aid is conditional on being partly or totally passed on to primary producers, fixed on the basis of the price or quantity of products purchased from primary producers, or put on the market by such producers (see recital (23)). The measure therefore complies with point 22(e) of the Temporary Framework.
  - Aid granted to undertakings active in the primary production of agricultural products must not be fixed on the basis of the price or quantity of products put on the market (recital (24)). The measure therefore complies with point 23(b) of the Temporary Framework;
  - Aid granted to undertakings active in the fishery and aquaculture sector does not concern any of the categories of aid referred to in Article 1, paragraph (1)(a) to (k) of Commission Regulation (EU) No 717/2014 (recital (25)). The measure therefore complies with point 23(c) of the Temporary Framework.
  - Where an undertaking is active in several sectors to which different maximum aid amounts apply in accordance with points 22(a) and 23(a) of the Temporary Framework, Italy will ensure, by appropriate means such as separation of accounts, that the relevant ceiling is respected for each of those activities and that the overall maximum amount of EUR 800 000 is not exceeded per undertaking (see recital (26)). Where an undertaking is active in the sectors covered by point 23(a) of the Temporary Framework, the overall maximum amount of EUR 120 000 is not exceeded per undertaking (recital (26)). The measure therefore complies with point 23bis of the Temporary Framework.
- (46) The Italian authorities confirm that the monitoring and reporting rules laid down in section 4 of the Temporary Framework will be respected (recital (32)). The Italian authorities further confirm that the aid under the measure may only be cumulated with other aid, provided the other aids do not concern the same eligible costs, the specific provisions in the sections of the Temporary Framework are respected and the cumulation rules of the relevant Regulations are respected (recitals (27) to (31)).
- (47) The Commission therefore considers that the measure is necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a Member State pursuant to Article 107(3)(b) TFEU since it meets all the relevant conditions of the Temporary Framework.

#### 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.

The decision is based on non-confidential information and is therefore published in full on the Internet site: <http://ec.europa.eu/competition/elojade/isef/index.cfm>.

Yours faithfully,

For the Commission

Margrethe VESTAGER  
Executive Vice-President