EUROPEAN COMMISSION

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PUBLIC VERSION

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Subject: State Aid SA.62356 (2021/N) – Italy

Excellency,

1. Procedure

(1) By electronic notification of 16 March 2021, Italy notified amendments to existing aid schemes (“the existing aid schemes”) which the Commission had already approved under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak (“the Temporary Framework”). The existing aid schemes to be amended are:

(a) SA.59755: “COVID-19: Aid for tour operators and travel agencies” which the Commission approved on 4 December 2020 (the “initial decision in case SA.59755”).

(b) SA.59992: “COVID-19: support measure for the congress and fair industry” which the Commission approved on 17 December 2020 (the “initial decision in case SA.59992”).

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(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 and to have this Decision adopted and notified in English.

2. DESCRIPTION OF THE NOTIFIED AMENDMENTS

(3) Point 12 of the Fifth Amendment to the Temporary Framework states that "Member States may envisage modifying existing aid measures approved by the Commission under the Temporary Framework in order to prolong their period of application until 31 December 2021. Member States may also envisage increasing the budget of existing measures or introducing other amendments to align those measures with the Temporary Framework, as amended by this Communication. Member States which plan to do so are invited to notify a list of all existing aid measures they envisage modifying and to provide the necessary information listed in the annex of this Communication. This will allow the Commission to adopt one decision covering the list of notified measures".  

(4) In accordance with point 12 of the Fifth Amendment to the Temporary Framework, Italy plans to modify the above-mentioned existing aid schemes in order to reflect the amendments envisaged therein.

(5) First, Italy wishes to prolong the period of application of the above-mentioned existing aid schemes until 31 December 2021.

(6) Second, Italy wishes to grant aid up to the new maximum aid ceiling, as set out in section 3.1 of the Temporary Framework. Therefore, 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 1 800 000 per undertaking (all figures used being expressed in gross, that is before any deduction of tax or other charges).  

(7) The Italian authorities confirmed that no further amendments are proposed to the existing aid schemes.

(8) The amendments will only be put into effect after the notification of the Commission’s approval.

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

5 Communication from the Commission, Fifth Amendment to the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak and amendment to the Annex to the Communication from the Commission to the Member States on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance, OJ C 34, 1.2.2021, p. 6.

6 Under the existing aid schemes aid can be granted up to the amount of EUR 800 000 (see recital (22) of the initial decision in case SA.59755 and recital (20) of the initial decision in case SA.59992). The existing aid schemes do not apply to undertakings active in the primary production of agricultural products, in the aquaculture and fishery sectors.
3. **ASSESSMENT**

3.1. **Lawfulness of the measure**

(9) By notifying the prolongation of and amendments to the existing aid schemes before putting them 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 existing aid schemes constitute State aid within the meaning of Article 107(1) TFEU for the reasons set out in the decisions referred to in recital (1). The proposed modifications to those schemes do not affect that conclusion. The Commission therefore refers to the respective assessment of the aforementioned decisions and concludes that the schemes as amended constitute State aid in the meaning of Article 107(1) of the TFEU.

3.3. **Compatibility**

(12) The Commission assessed the existing aid schemes as amended on the basis of Article 107(3)(b) of the TFEU in light of the Temporary Framework and concluded that it was compliant with the compatibility conditions set out in that Framework.

(13) The Commission refers to its analysis of compatibility as set out in the initial decisions referred to in recital (1).

(14) The Commission considers that its conclusions on the compatibility assessment of the measures with the Temporary Framework are not altered by the amendments as described in recitals (5) and (6). In particular:

(a) The prolongation of the existing aid schemes until 31 December 2021 (recital (5)) complies with point 22(d) of the Temporary Framework;

(b) The increase of the aid ceilings per undertaking, namely EUR 1 800 000 per undertaking (recital (6)) complies with point 22(a) of the Temporary Framework.

(15) All other conditions of the existing aid schemes remain unchanged (recital (7)).

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7 See recitals (29) to (34) of the initial decision in case SA.59755 and recitals (27) to (32) of the initial decision in case SA.59992.

8 See recitals (35) to (41) of the initial decision in case SA.59755 and recitals (33) to (40) of the initial decision in case SA.59992.
(16) In light of the above, the Commission considers that the proposed prolongation of and amendments to the existing aid schemes meet the relevant conditions of the Temporary Framework.

4. CONCLUSION

The Commission has accordingly decided not to raise objections to the modifications to the existing aid schemes on the grounds that they are compatible with the internal market pursuant to Article 107(3)(b) of the TFEU.

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