



EUROPEAN COMMISSION

Brussels, 16.12.2020  
C(2020) 9153 final

PUBLIC VERSION

This document is made available for  
information purposes only.

**Subject: State aid SA.59031 (2020/N) - Slovakia  
Prolongation of the aid schemes SA.40976 (2015/N) and SA.43460  
(2015/N)**

Sir,

The European Commission ('the Commission') wishes to inform Slovakia that, having examined the information supplied by your authorities on the State aid schemes referred to above, it has decided not to raise any objections to the amendments to those schemes, as they are compatible with the internal market pursuant to Article 107(3)(c) of the Treaty on the Functioning of the European Union ('TFEU').

The Commission has based its decision on the following considerations:

## **1. PROCEDURE**

- (1) The period of application of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020<sup>1</sup> ('the Guidelines') has been extended until 31 December 2022. Additionally, having regard to the economic and financial consequences of the COVID-19 outbreak, the Guidelines have been further adapted to allow undertakings, which were not in difficulty on 31 December 2019 but became undertakings in difficulty in the period from 1 January 2020 to 30 June 2021 to remain eligible for aid under the Guidelines<sup>2</sup>. Following

---

<sup>1</sup> OJ C 204, 1.7.2014, p.1. Amended by the Notices published in OJ C 390, 24.11.2015, p. 4; OJ C 139, 20.4.2018, p. 3 and OJ C 403, 9.11.2018, p. 10 and by the Corrigendum published in OJ C 265, 21.7.2016, p. 5.

<sup>2</sup> Commission Notice amending the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 as regards their period of application and making temporary adaptations to take into account the impact of the COVID-19 pandemic of 9.12.2020 (OJ C 425 of 9.12.2020, p.30).

H.E. Ivan Korčok  
Minister of Foreign Affairs  
Hlboka cesta 2  
833 36 Bratislava

the two aforementioned amendments to the Guidelines, Member States were invited to notify, in one block, the prolongation of their existing aid schemes, which may cover the period until 31 December 2022, which may entail budget increases and a possible change in the scope of the beneficiaries as regards the eligibility of undertakings in difficulties.

- (2) By letter of 14 October 2020, registered by the Commission on the following day, Slovakia notified the prolongation until 31 December 2021 of its aid schemes approved under the Guidelines and expiring on 31 December 2020 (“the existing aid schemes”), as specified in the table set out in recital (4) below. By letter of 3 November 2020, registered on the same day, the Slovak authorities submitted additional information. Slovakia also notified its intention not to make use of the possibility to grant aid to undertakings in difficulty until 30 June 2021.

## 2. DESCRIPTION

### 2.1. Objective

- (3) With the present notification, the authorities of Slovakia wish to amend the existing aid schemes that are set to expire on 31 December 2020 in order to extend their duration until 31 December 2021, as described in detail in the table set out in recital (4) below.

### 2.2. Description of the existing aid schemes and the relevant amendments

- (4) The period of extended duration of the existing aid schemes is indicated in the table below.

State aid number of the existing aid scheme	Title	Notified extended duration	Notified budget increase (EUR exceeding 20%)	Eligibility of undertakings in difficulty
SA.40976 (2015/N) modified by SA.49563 (2017/N)	Restoring and as maintaining potential of forests in military areas	01/01/2021 to 31/12/2021	No	No
SA.43460 (2015/N)	Aid for establishing forest management plans	01/01/2021 to 31/12/2021	No	No

- (5) After assessment based on the Guidelines, the existing aid schemes have been declared compatible with the internal market by Commission decisions adopted in accordance with Article 107(3)(c) TFEU (“the initial decisions”):

- SA.40976 (2015/N): Decision C(2015) 4894 final of 9.7.2015, as modified by SA.49563 (2017/N): Decision C(2017) 8887 final of 15.12.2017;
- SA.43460 (2015/N): Decision C(2016) 384 final of 21.01.2016;

The initial decisions contain a detailed description and assessment of the existing aid schemes.

- (6) Slovakia confirmed that the granting of aid during the extended duration of the existing aid schemes will comply with all the basic requirements, common assessment principles and specific conditions on the basis of which the initial decisions were adopted.
- (7) Slovakia confirmed that there are no other amendments to the existing aid schemes than the ones described in recital (4).
- (8) Slovakia confirmed that the notification does not contain any confidential information.

### **3. ASSESSMENT**

#### **3.1. Existence of aid - Application of Article 107(1) TFEU**

- (9) According to Article 107(1) TFEU, "[s]ave as otherwise provided in the Treaties, 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".
- (10) The existence of aid within the meaning of Article 107(1) TFEU was confirmed in the initial decisions. The notified amendments do not affect that qualification. The Commission, therefore, refers to that assessment.

#### **3.2. Lawfulness of the aid – Application of Article 108(3) TFEU**

- (11) The amendments to the existing aid schemes were notified to the Commission on 15 October 2020. They have not been implemented yet. Therefore, Slovakia has complied with its obligation under Article 108(3) TFEU.

#### **3.3. Compatibility of the aid**

##### *3.3.1. Application of Article 107(3)(c) TFEU*

- (12) Under Article 107(3)(c) TFEU, an aid may be considered compatible with the internal market, if it is found to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest.
- (13) In the initial decisions this derogation was found to be applicable.

##### *3.3.2. Application of the Guidelines*

- (14) As regards the assessment of the content of the notified aid schemes, reference is made to the initial decisions, which were approved under the relevant sections of the Guidelines. In that regard, the Commission takes into account that, when granting aid under the extended duration of the schemes, Slovakia committed to comply with the all the requirements and conditions on the basis of which the initial decisions were adopted (recital (6)).
- (15) The notification concerns the prolongation of the existing aid schemes until 31 December 2021. As the extended duration of the existing aid schemes is in conformity with the Guidelines, in particular with point (737) thereof, the

Commission considers that the notified prolongations do not affect the evaluation of the compatibility of the existing aid schemes with the internal market, as carried out in the initial decisions.

- (16) Apart from the modifications referred to in recital (15) above, the Commission notes that there are no other alterations to the existing aid scheme (recital (7)). Consequently, given in particular that the aid intensities of the existing aid schemes do not change, no further distortive effect on competition can be expected.
- (17) Based on the above considerations, the Commission concludes that the proposed alterations do not affect the evaluation of the compatibility of the existing aid schemes with the internal market, as carried out in the initial decisions.

#### **4. CONCLUSION**

The Commission has accordingly decided not to raise objections to the notified alterations to the existing aid schemes on the grounds that they are compatible with the internal market pursuant to Article 107 TFEU.

Yours faithfully,

For the Commission

Margrethe VESTAGER  
Executive Vice-President