EUROPEAN COMMISSION

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PUBLIC VERSION

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Subject: State Aid SA.64370 (2021/N) – The Netherlands
COVID-19: State loans for travel guarantee funds (amendments to SA.57985)

Excellency,

1. Procedure

(1) By electronic notification of 6 August 2021, the Netherlands notified amendments (the “notified amendments”) to State aid measure SA.57985 – COVID-19: State loans for Travel Guarantee Funds (the “existing aid scheme”) approved by Commission Decision of 28 July 2020 (the “initial decision”)¹ under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak (the “Temporary Framework”).²

(2) The Netherlands exceptionally agrees to waive its rights deriving from Article 342 of the Treaty on the Functioning of the European Union (“TFEU”), in


H.E. Mr. Stef BLOK
Minister of foreign affairs
Bezuidenhoutseweg 67
Postbus 20061
NL – 2500 EB Den Haag
conjunction with Article 3 of Regulation 1/1958\(^3\) and to have this Decision adopted and notified in English.

2. **DESCRIPTION OF THE NOTIFIED AMENDMENTS**

(3) The Netherlands wishes to amend the existing aid scheme as follows: the initial decision consisted in the granting of loans to the five funds\(^4\) in the Netherlands that operate package travel guarantee schemes. The loan agreements had to be signed by 31 December 2020 at the latest, and the five funds could draw upon the loan under the loan agreement until 31 July 2021 at the latest\(^5\). By the notified amendment, the Dutch authorities wish to extend the period whereby the funds can draw upon the aforementioned loans until the 31 December 2021.

(4) This extension has been requested in light of the continued difficulties of the package travel sector in 2021 due to travel restrictions and a resurgence of COVID-19, losses sustained by the five funds and expected defaults in the third and fourth quarters of 2021.

(5) Apart from the notified amendment, the Netherlands confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unaltered.

(6) The legal basis for the notified amendment is: (i) The Framework Act for subsidies for the ministry of Economic Affairs and Climate Policy and the ministry of Agriculture, Nature and Food Quality\(^6\), Article 2, section 1, preface and subsection d and Article 6. (ii) The Modification of the Model Grant decision to the Funds; and (iii) The Modification of the Model Agreement between the ministry of Economic Affairs and Climate Policy and the individual Funds.

(7) Aid may be granted under the existing aid scheme, as amended, as from the notification of the Commission’s approval of the notified amendments.

3. **ASSESSMENT**

3.1. **Existence of State aid**

(8) 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 be liable to affect trade between Member States.

\(^3\) Regulation No 1 determining the languages to be used by the European Economic Community, OJ 17, 6.10.1958, p. 385.

\(^4\) Stichting Garantiefonds Reisgelden (SGR), Stichting Garantiefonds Reisgelden Zakelijk (SGR Z), Garantiefonds voor Gespecialiseerde Touroperators (GGTO), STO Garant, and VZR Garant.

\(^5\) See recital (17) of the initial decision.

The existing aid scheme constitutes State aid within the meaning of Article 107(1) TFEU for the reasons set out in recitals (31) to (35) of the initial decision. The notified amendments do not affect that conclusion. The Commission therefore refers to the respective assessment of the initial decision and concludes that the existing aid scheme, as amended, constitutes State aid within the meaning of Article 107(1) TFEU.

3.2. Compatibility

The existing aid scheme is compatible with the internal market pursuant to Article 107(3)(b) TFEU, since it meets the conditions of section 2 and section 3.3 of the Temporary Framework for the reasons set out in recitals (40) to (43) of the initial decision. The Commission therefore refers to the respective assessment of the initial decision.

The notified amendments do not affect that conclusion. In particular, all loan contracts have already been signed. The maturity of the loans is six years and has been calculated from no later than the 31 December 2020. The notified amendment of the loan agreements to allow the funds to draw upon the State loans will be signed after the approval of the notified amendment decision by the Commission and before the 31 December 2021. The notified amendment therefore complies with point 27(c) of the Temporary Framework.

Apart from the notified amendment, the Netherlands confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unaltered.

The Commission therefore considers that the notified amendments are necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a Member State pursuant to Article 107(3)(b) TFEU, since they meet all the relevant conditions of the Temporary Framework. The Commission therefore considers that the notified amendments do not alter the Commission’s conclusion on the compatibility of the existing aid scheme in the initial decision.
4. **CONCLUSION**

The Commission has accordingly decided not to raise objections to the notified amendments, on the grounds that they are compatible with the internal market pursuant to Article 107(3)(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 have agreed 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](http://ec.europa.eu/competition/elojade/isef/index.cfm).

Your request should be sent electronically to the following address:

European Commission,
Directorate-General Competition
State Aid Greffe
B-1049 Brussels
[Stateaidgreffe@ec.europa.eu](mailto:Stateaidgreffe@ec.europa.eu)

Yours faithfully,

For the Commission

Margrethe VESTAGER
Executive Vice-President