Subject: State Aid SA.100902 (2021/N) – Poland

COVID-19: Prolongation and amendment of the schemes

Excellency,

1. Procedure

(1) By electronic notification of 2 December 2021, complemented by additional information submitted on 13, 14 and 17 December 2021, Poland notified a prolongation and other amendments (the “notified amendments”) to the following existing aid schemes (collectively, the “existing aid schemes”), which the Commission had already approved (“the initial decisions”) under the Temporary

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Framework for State aid measures to support the economy in the current COVID-19 outbreak\(^1\) (the “Temporary Framework”):

(a) **SA.56876 (2020/N) “Liquidity guarantee fund”**, which the Commission approved by Decision C(2020) 2225 final of 3 April 2020;

(b) **SA.56896 (2020/N) “Anti-crisis measures in the form of loans and guarantees financed from EU funds”**, which the Commission approved by Decision C(2020) 2340 final of 8 April 2020;

(c) **SA.56922 (2020/N) “Polish anti-crisis measures – direct grants, repayable advances, tax and payments advantages, tax deferrals and wage subsidies schemes related to COVID-19”**, which the Commission approved by Decision C(2020) 2686 final of 23 April 2020;

(d) **SA.56996 (2020/N) “Repayable advance scheme for micro, small and medium-sized enterprises”**, which the Commission approved by Decision C(2020) 2822 final of 27 April 2020;

(e) **SA.57015 (2020/N) “State aid in the form of grants or repayable assistance under operational programmes for 2014-2020 to support the Polish economy in connection with the occurrence of the COVID-19 pandemic outbreak”**, which the Commission approved by Decision C(2020) 2782 final of 24 April 2020;


(g) **SA.57055 (2020/N) “Equity instruments”**, which the Commission approved by Decision C(2020) 4036 final of 11 June 2020;

(h) **SA.57065 (2020/N) “Anti-crisis measures in the form of loans and guarantees financed from the re-use of resources returned from 2007-2013 financial instruments”**, which the Commission approved by Decision C(2020) 2634 final of 22 April 2020;

(i) **SA.57172 (2020/N) “Anti-crisis measure - Tax deferrals”**, which the Commission approved by Decision C(2020) 7998 final of 13 November 2020;

(j) **SA.57191 (2020/N) “State aid in the simplified repayable form from financial engineering instruments resources subject to re-use and from financial instruments under operational programmes for 2014-2020 perspective to support the Polish economy in connection with the COVID-19 outbreak”**, which the Commission approved by Decision C(2020) 3636 final of 29 May 2020.

19 pandemic outbreak”, which the Commission approved by Decision C(2020) 3163 final of 11 May 2020;


(l) SA.57452 (2020/N) “Guarantees on Factoring”, which the Commission approved by Decision C(2020) 5165 final of 23 July 2020;

(m) SA.57519 (2020/N) “R&D aid for Covid-19 relevant research and development, investment aid for the construction and upgrade of relevant testing and upscaling infrastructures, and investment aid for investments into production facilities for the production of Covid-19 relevant products”, which the Commission approved by Decision C(2020) 4186 final of 18 June 2020;

(n) SA.58102 (2020/N) “Support to tour operators and other undertakings active in tourism and culture”, which the Commission approved by Decision C(2020) 6582 final of 21 September 2020.


(p) SA.60376 (2020/N) “Support to undertakings affected by restrictions applied to industries whose activities may contribute to the spread of the COVID-19 pandemic”, which the Commission approved by Decision C(2021) 409 final of 20 January 2021;

(q) SA.61173 (2021/N) “Subsidy schemes to non-governmental organisations, other entities engaged in public benefit work and religious entities affected by the COVID-19”, which the Commission approved by Decision C(2021) 941 final of 9 February 2021;

(r) SA.61825 (2021/N) “Subsidy schemes to industries affected by the COVID-19”, which the Commission approved by Decision C(2021) 1756 final of 11 March 2021;

(s) SA.62472 (2021/N) “Leasing guarantees combined with the Pan-European Guarantee Fund in response to COVID-19”, which the Commission approved by Decision C(2021) 3333 final of 6 May 2021;

(t) SA.62603 (2021/N) “Support to bus operators”, which the Commission approved by Decision C(2021) 4832 final of 24 June 2021; and

(2) The existing aid schemes have already been amended as follows:

(a) **Scheme SA.56876 (2020/N):** in case SA.59715 (2020/N), approved by Commission decision C(2020) 9315 final of 15 December 2020 and in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;

(b) **Scheme SA.56896 (2020/N):** in case SA.58848 (2020/N), approved by Commission decision C(2020) 7549 final of 27 October 2020 and in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;


(e) **Scheme SA.57015 (2020/N):** in case SA.59715 (2020/N), approved by Commission decision C(2020) 9315 final of 15 December 2020 and in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;


(g) **Scheme SA.57055 (2020/N):** in case SA.59715 (2020/N), approved by Commission decision C(2020) 9315 final of 15 December 2020 and in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;

(h) **Scheme SA.57065 (2020/N):** in case SA.58849 (2020/N), approved by Commission decision C(2020) 7549 final of 27 October 2020, and in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;

(i) **Scheme SA.57172 (2020/N):** in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;

(j) **Scheme SA.57191 (2020/N):** in case SA.59715 (2020/N), approved by Commission decision C(2020) 9315 final of 15 December 2020 and in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;

(l) **Scheme SA.57452 (2020/N):** in case SA.59715 (2020/N), approved by Commission decision C(2020) 9315 final of 15 December 2020 and in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;

(m) **Scheme SA.57519 (2020/N):** in case SA.59715 (2020/N), approved by Commission decision C(2020) 9315 final of 15 December 2020 and in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;

(n) **Scheme SA.58102 (2020/N):** in case SA.62231 (2021/N), approved by Commission decision C(2021) 4056 final of 2 June 2021;

(o) **Scheme SA.59763 (2020/N):** in case SA.60940 (2021/N), approved by Commission decision C(2021) 245 final of 12 January 2021, and in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;

(p) **Scheme SA.60376 (2020/N):** in case SA.62078 (2021/N), approved by Commission decision C(2021) 1880 final of 16 March 2021;

(q) **Scheme SA.61825 (2021/N):** in case SA.62885 (2021/N), approved by Commission decision C(2021) 4649 final of 21 June 2021;

(3) Poland 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,\(^2\) and to have this Decision adopted and notified in English.

2. **DESCRIPTION OF THE NOTIFIED AMENDMENTS**

(4) The objective of the existing aid schemes is to preserve the continuity of economic activity during and after the COVID-19 pandemic. They are designed to ensure that undertakings continue to have access to the necessary liquidity to overcome the current economic difficulties. Poland wishes to modify the existing aid schemes as follows:

(5) **SA.56876 (2020/N):** prolong its period of application until 30 June 2022.

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\(^2\) Regulation No 1 determining the languages to be used by the European Economic Community, OJ 17, 6.10.1958, p. 385.
(6) **SA.56896 (2020/N):**

(a) modify the level of the interest rates of the loans, based on the base rate available on 1 December 2021 (i.e., available at the time of the notification);

(b) prolong the period of application of the existing aid scheme to 30 June 2022. For the determination of the maximum overall loan principals per beneficiary according to points 25(d), 25(e) and 27(d), 27(e) of the Temporary Framework, the reference date will also be 30 June 2022; and

(c) increase the budget from PLN 4 600 million (approximately EUR 1.02 billion) to PLN 5 770 million (approximately EUR 1.2 billion)\(^3\).

(7) **SA.56922 (2020/N):**

(a) prolong the period of application of Measure 1, Measure 2, Measure 3\(^4\), Measure 4 and Measure 11\(^5\) until 30 June 2022; and

(b) in relation to Measure 11:

– increase the ceiling to

(i) EUR 290 000 for undertakings operating in the primary production sector of agricultural products,

(ii) EUR 345 000 for undertakings operating in the fisheries and aquaculture sector,

(iii) EUR 2 300 000 for other undertakings.

(8) **SA.56996 (2020/N):**

(a) Adding the possibility for the reimbursable part of the repayable advance to be repaid in 24 equal monthly instalments, starting from the date indicated in the repayment schedule issued by the Polski Fundusz Rozwoju (the Polish Development Fund Group or “PFR”) provided that the date indicated in the repayment schedule may not be earlier than the thirteenth calendar month after the date of the first payment of the repayable advance;

(b) Adding the possibility that the conversion of the non-reimbursable part of the repayable advance into the grant takes place no later than by 30 June 2023.

\(^3\) Exchange rate on 13 December 2021: EUR 1 = PLN 4.6221. This exchange rate has been used for the conversion into EUR of the remaining applicable budget increases.

\(^4\) Low-interest loan (in the form of repayable advance) to cover the cost of doing business for a micro-entrepreneur.

\(^5\) Wage subsidies for disabled employees and COVID-19 related training aid.
(9) **SA.57015 (2020/N):**

(a) increase the ceiling to

   (i) EUR 290 000 for undertakings operating in the primary production sector of agricultural products,
   
   (ii) EUR 345 000 for undertakings operating in the fisheries and aquaculture sector,
   
   (iii) EUR 2 300 000 for other undertakings; and

(b) prolong the period of application until 30 June 2022; and

(c) increase the budget from PLN 3 520 million (approximately EUR 800 million) to PLN 3 930 million (approximately EUR 848 million).

(10) **SA.57054 (2020/N):** prolong the final date until which loan agreements may be signed until 30 June 2022. The extension of the scheme only concerns the applicability of the loan on the basis of section 3.3 of the Temporary Framework, and leaves the compensation part based on Article 107(2)(b) of the Treaty unaffected.

(11) **SA.57055 (2020/N):** prolong the final date until which the recapitalisation measures may be granted until 30 June 2022.

(12) **SA.57065 (2020/N):**

(a) modify the level of the interest rates of the loans, based on the base rate available on 1 December 2021 (i.e., available at the time of notification); and

(b) prolong the period of application of the existing aid scheme to 30 June 2022. For the determination of the maximum overall loan principals per beneficiary according to points 25(d), 25(e) and 27(d), 27(e) of the Temporary Framework, the reference date will also be 30 June 2022.

(13) **SA.57172 (2020/N):** prolong the date of granting tax deferrals until no later than 30 June 2022, including the prolongation of the end date of the deferral until no later than 30 June 2023.

(14) **SA.57191 (2020/N):**

(a) increase the ceiling to

   (i) EUR 290 000 for undertakings operating in the primary production sector of agricultural products,
   
   (ii) EUR 345 000 for undertakings operating in the fisheries and aquaculture sector,
   
   (iii) EUR 2 300 000 for other undertakings; and

(b) prolong the period of application until 30 June 2022; and
(c) increase the budget from PLN 2 100 million (approximately EUR 470 million) to PLN 2 250 million (approximately EUR 490 million).

(15) **SA.57306 (2020/N):** prolong the final date until which loan agreements may be signed until 30 June 2022.

(16) **SA.57452 (2020/N):** prolong its period of application until 30 June 2022.

(17) **SA.57519 (2020/N):** for all three sub-measures, prolong the period of application until 30 June 2022.

(18) **SA.58102 (2020/N):**

   (a) in relation to Measure 2:

      – increase of the ceiling to

         (i) EUR 290 000 for undertakings operating in the primary production sector of agricultural products,

         (ii) EUR 345 000 for undertakings operating in the fisheries and aquaculture sector,

         (iii) EUR 2 300 000 for other undertakings; and

   (b) in relation to both Measure 2 and Measure 3: prolong the period of application until 30 June 2022.

(19) **SA.59763 (2020/N):** adding the possibility that the conversion of the non-reimbursable part of the repayable advance made available to beneficiaries under Measure A and Measure B into the grant takes place no later than by 30 June 2023.

(20) **SA.60376 (2020/N):**

   (a) prolong the period of application until 30 June 2022 for all subsections of the measure; and

   (b) in relation to subsection 1 of the measure:

      – increase of the ceiling to

         (i) EUR 290 000 for undertakings operating in the primary production sector of agricultural products,

         (ii) EUR 345 000 for undertakings operating in the fisheries and aquaculture sector,

         (iii) EUR 2 300 000 for other undertakings.

(21) **SA.61173 (2021/N):** prolong its period of application until 30 June 2022.
(22) **SA.61825 (2021/N):**

- in relation to sub-measures 1, 2 and 3: prolong the period of application until 30 June 2022; and
- in relation to sub-measure 2:
  - increase of the ceiling to
    - (i) EUR 290 000 for undertakings operating in the primary production sector of agricultural products,
    - (ii) EUR 345 000 for undertakings operating in the fisheries and aquaculture sector,
    - (iii) EUR 2 300 000 for other undertakings.

(23) **SA.62472 (2021/N):**

- increase of the ceiling to
  - (i) EUR 290 000 for undertakings operating in the primary production sector of agricultural products,
  - (ii) EUR 345 000 for undertakings operating in the fisheries and aquaculture sector,
  - (iii) EUR 2 300 000 for other undertakings; and
- prolong the period of application until 30 June 2022.

(24) **SA.62603 (2021/N):**

- increase of the ceiling to EUR 2 300 000 for aid granted in sectors other than fisheries, aquaculture and primary production of agricultural products; and
- prolong the period of application until 30 June 2022.

(25) **SA.62752 (2021/N):** prolong the final date until which loan agreements may be signed until 30 June 2022.

(26) Apart from the notified amendments, the Polish authorities confirm that no further amendments are proposed to the existing aid schemes and that all other conditions of that schemes remain unaltered.

**National legal bases of the notified amendments**

(27) The national legal bases for the notified amendments (per scheme) is the following:

- **SA.56876 (2020/N):** Art. 15zzzd of the Act of 2 March 2020 on special solutions related to prevention, counteracting and combating COVID-19,
other infectious diseases and emergencies caused by them (Journal of Laws of 2021, item 2095, as amended, hereinafter “the Covid act”);  

(b) **SA.56896 (2020/N):**  
– Regulation of the Minister of Development Funds and Regional Policy of 14 April 2020 on providing State aid from financial instruments under operational programmes for 2014-2020 perspective to support the Polish economy in connection with the COVID-19 pandemic outbreak (Journal of Laws of 2021, item 1095);  
– Art. 27 para. 4 of the Act of 11 July 2014 on the principles of implementation of the cohesion policy programmes, financed under the 2014-2020 financial perspective (Journal of Laws of 2020, item 818);  

(c) **SA.56922(2020/N):** Articles 15zzb, 15zzc, 15zzd and 15zze of the Covid act (measures 1 to 4) and the Rehabilitation Act of 27 August 1997 on professional and social rehabilitation and employment of disabled people (Journal of Laws of 2021, item 573, as amended; hereinafter: “the Rehabilitation act”) for measure 11;  

(d) **SA.56996 (2020/N):** Art. 21 (a) para. 1 of the Act of 4 July 2019 on the system of development institutions (Journal of Laws of 2021, item 1010; hereinafter: “the act on the system of development institutions”);  

(e) **SA.57015 (2020/N):**  
– Regulation of the Minister of Development Funds and Regional Policy of 28 April 2020 on providing State aid in the form of grants or repayable assistance under operational programmes for 2014-2020 to support the Polish economy in connection with occurrence of the COVID-19 pandemic outbreak (Journal of Laws of 2021, item 1084);  
– Art. 27 para. 4 of the Act of 11 July 2014 on the principles of implementation of the cohesion policy programmes, financed under the 2014-2020 financial perspective (Journal of Laws of 2020, item 818);  

(f) **SA.57054 (2020/N):** Art. 21(a) para. 1 of the act on the system of development institutions;  

(g) **SA.57055 (2020/N):** Art. 21(a) para. 1 of the act on the system of development institutions;  

(h) **SA.57065 (2020/N):**  
– Regulation of the Minister of Development Funds and Regional Policy of 29 April 2020 on providing State aid financed from resources returned from repayable financial instruments in the context of the 2007-2013 cohesion policy programmes, to support
the Polish economy in connection with the COVID-19 pandemic outbreak (Journal of Laws of 2021, item 1094);

– Art. 32 of the Act of 3 April 2020 on specific solutions supporting the implementation of operational programmes in connection with the occurrence of COVID-19 (Journal of Laws of 2021, item 986);

(i) **SA.57172 (2020/N)**: Art. 15zzzh para. 1 point 2 of the Covid act;

(j) **SA.57191(2020/N)**:

– Regulation of the Minister of Development Funds and Regional Policy of 26 May 2020 on granting State aid in simplified repayable form from financial engineering instruments resources subject to reuse and from financial instruments under operational programmes for 2014-2020 perspective to support the Polish economy in connection with the COVID-19 pandemic outbreak (Journal of Laws of 2021, item 1064);

– Art. 31 and 32 of the Act of 3 April 2020 on specific solutions supporting the implementation of operational programmes in connection with the occurrence of COVID-19 (Journal of Laws of 2021, item 986);

(k) **SA.57306 (2020/N)**: Art. 21(a) para. 1 of the act on the system of development institutions;

(l) **SA.57452 (2020/N)**: Art. 15zzzd of the Covid act;

(m) **SA.57519(2020/N)**:

– Regulation of the Minister of Development Funds and Regional Policy of 15 July 2020 on granting aid for COVID-19 outbreak relevant research and development, investment aid for testing and upscaling infrastructures required to test and upscale COVID-19 relevant products, and investment aid for the production of COVID-19 relevant products, under operational programmes for 2014-2020 perspective (Journal of Laws of 2021, item 1051);

– Art. 31 of the Act of 3 April 2020 on specific solutions supporting the implementation of operational programmes in connection with the occurrence of COVID-19 (Journal of Laws of 2021, item 986);

(n) **SA.58102 (2020/N)**:

– Measure 2: Art. 15zs1 of the Covid act;

– Measure 3: Art. 31zo par. 8 of the Covid act;

(o) **SA.59763 (2020/N)**: Art. 21(a) para. 1 of the act on the system of development institutions;
(p) **SA.60376 (2020/N):** Art. 15zs2 of the Covid act (for subsection 1), Art. 31zo par. 10 of the Covid act (for subsection 2), Art. 15ze4 of the Covid act (for subsection 3) and Art. 15gga of the Covid act (for subsection 4);

(q) **SA.61173 (2021/N):** Art. 15zzda and art. 15zze2 of the Covid act;

(r) **SA.61825 (2021/N):**

   – Sub-measures 1, 2 and 3: The Ordinance of the Council of Ministers of 19 January 2021 on support for participants in business transactions affected by the COVID-19 pandemic (Journal of Laws of 2021, item 152) and the Ordinance of the Council of Ministers of 26 February 2021 on support for participants in business transactions affected by the COVID-19 pandemic (Journal of Laws of 2021, item 371) and its amendment of 16 April 2021 (Journal of Laws of 2021, item 713);

(s) **SA.62472 (2021/N):** Regulation of the Minister of Finance, Funds and Regional Policy of 20 May 2021 on granting state aid by Bank Gospodarstwa Krajowego in the form of guarantees for leasing transactions in connection with the effects of COVID-19 (Journal of Laws of 2021, item 950);

(t) **SA.62603 (2021/N):** Article 15 zzzzl5 of the Covid act; and

(u) **SA.62752 (2021/N):** Art. 21(a) para.1 of the act on the system of development institutions.

(28) The Polish authorities committed to respect all the applicable conditions of the Temporary Framework.

(29) Aid may be granted under the existing aid schemes, as amended, as from the notification of the Commission’s decision approving the notified amendments.

3. **ASSESSMENT**

3.1. **Existence of State aid**

(30) 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.

(31) The existing aid schemes constitute State aid within the meaning of Article 107(1) TFEU for the reasons set out in the initial decisions. The amendments referred to in recital (2) did not affect this conclusion. The notified amendments equally do not affect that conclusion. The Commission therefore refers to the assessment of the initial decisions and concludes that the existing aid schemes, as amended, constitute State aid within the meaning of Article 107(1) TFEU.
3.2. Compatibility

(32) The existing aid schemes are compatible with the internal market pursuant to Article 107(3)(b) TFEU, since they meet the conditions of sections 2, 3.1, 3.2, 3.3, 3.4, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11 and 3.12 of the Temporary Framework for the reasons set out in the initial decisions. The amendments referred to in recital (2) above did not affect that assessment as confirmed in the respective Commission decisions thereon. The Commission therefore refers to the respective assessment of the initial decisions.

3.2.1. Prolongations under Section 3.1, 3.2 and 3.3 of the Temporary Framework

(33) In relation to the following aid schemes: SA.56876, SA.56896, SA.56922, SA.57015, SA.57054, SA.57065, SA.57191, SA.57306, SA.57452, SA.58102 (as regards measures 2 and 3), SA.60376, SA.61173, SA.61825 (as regards sub-measures 1, 2 and 3), SA.62472, SA.62603 and SA.62752, the Commission considers that a limited prolongation of these aid schemes is appropriate to ensure that national support measures effectively help affected undertakings during the COVID-19 pandemic. The notified amendments in relation to these schemes do not affect the compatibility assessment made under the initial decisions and confirmed under the amendments of the schemes specified in recital (2). In particular, the Commission notes that aid under these schemes can only be granted until 30 June 2022. The schemes as amended thus comply with point 22(d), 25(c), and/or 27(c) of the Temporary Framework.

3.2.2. Increase of maximum aid amounts per beneficiary under Section 3.1 of the Temporary Framework

(34) The Commission notes that maximum aid amounts per beneficiary under section 3.1 are increased to (i) EUR 2.3 million for all undertakings (excluding undertakings active in the fishery, aquaculture sector or the primary production of agricultural products); and (ii) EUR 345 000 (undertakings active in the fishery and aquaculture sector), and EUR 290 000 (undertakings active in the primary production of agricultural products). The notified amendments thus continue to comply with point 22(a)⁶ and point 23(a)⁷ of the Temporary Framework, in relation to the following schemes: SA.56922, SA.57015, SA.57191, SA.58102 (in relation to measure 2), SA.60376 (in relation to subsection 1), SA.61825 (in relation to sub-measure 2) and SA.62472. Moreover, the notified amendment concerning the increase of maximum aid amount in relation to SA.62603 also complies with point 22(a) of the Temporary Framework.

3.2.3. Conversion of limited amounts of aid under Section 3.1 of the Temporary Framework

(35) In relation to aid schemes SA.56996 and SA.59763, Poland has notified the possibility that the conversion of the non-reimbursable part of the repayable

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⁶ Aid to all undertakings, excluding undertakings active in the fishery, aquaculture sector or the primary production of agricultural products.

⁷ Aid to undertakings active in the fishery, aquaculture sector or the primary production of agricultural products.
advance into the grant takes place no later than by 30 June 2023 (see recitals (8)(b) and (19)). These amendments comply with point 23ter of the Temporary Framework.

3.2.4. Change of the base rate under Section 3.3 of the Temporary Framework

(36) In relation to aid schemes SA.56896 and SA.57065, and as regards State aid in the form of subsidised interest rates for loans, the Commission considers that the applicable base rate can be either the one available on 1 January 2020 or at the moment of the notification. This optionality for the applicable base rate takes into account that the base rate may have decreased since 1 January 2020, which implies that the effective interest rate would be lower than if the base rate had been set at 1 January 2020. Poland intends to use the base rate of 1 December 2021 as base rate available at the date of notification of these amendments (2 December 2021, see recitals (6)(a) and (12)(a)), in accordance with point 27(a) of the Temporary Framework.

3.2.5. Extension of the loan maturity date under Section 3.2 and 3.3 of the Temporary Framework

(37) For schemes SA.56896 and SA.57065, the loan maturity dates are extended to 30 June 2022 (recitals (6)(b) and (12)(b)). The modifications comply with point 25(d) and (e) as well as 27(d) and (e) of the Temporary Framework.

3.2.6. Prolongation under Sections 3.6, 3.7 and 3.8 of the Temporary Framework

(38) For scheme SA.57519 aid in the form of direct grants, repayable advances or tax advantages in line with Sections 3.6, 3.7 and 3.8 of the Temporary Framework will be granted by 30 June 2022. The notified amendment to scheme SA.57519 is in line with points 35(a), 37(b) and 39(b) of the Temporary Framework. The Commission considers that this prolongation contributes to the development of certain economic activities, is appropriate and necessary to address the health crisis pursuant to Article 107(3)(c) TFEU and does not affect trading conditions and competition to an extent contrary to the common interest. Therefore, the Commission considers that such prolongation aims at remedying a serious disturbance in the Polish economy.

3.2.7. Prolongation under Section 3.9 of the Temporary Framework

(39) The notified amendment to scheme SA.57172 is in line with point 41 of the Temporary Framework, which stipulates that aid must be granted before 30 June 2022. The Commission considers this measure of the Polish authorities to remedy a serious disturbance in their economy. It eases liquidity constraints and aims to preserve the continuity of the beneficiaries’ economic activities, which is widely accepted by economic commentators and it is of a scale, which can be reasonably anticipated to produce effects across the entire Polish economy. Therefore, the Commission considers that such prolongation aims at remedying a serious disturbance in the Polish economy.
3.2.8. Prolongation under Section 3.10 of the Temporary Framework

The notified amendment to scheme SA.56922, which stipulates that aid must be granted before 30 June 2022, is in line with point 43(c) of the Temporary Framework. The Commission considers that the measure is aimed primarily to support self-employed, SMEs and NGOs, which are considered to be most affected by the COVID-19 pandemic and therefore most likely to take employment reduction decisions. Due to the COVID-19 pandemic, business activities are exposed to instability and even complete loss of revenue, as a result of lack of orders, or the cancellation of ongoing or concluded contracts. At particular risk are SMEs and self-employed performing work on the basis of an agency contract, and other contracts of a limited duration. Therefore, the Commission considers that such prolongation aims at remedying a serious disturbance in the Polish economy.

3.2.9. Prolongation under Section 3.11 of the Temporary Framework

The notified amendment to scheme SA.57055, which stipulates that aid must be granted before 30 June 2022, is in line with point 48 of the Temporary Framework. The measure notified by the Polish authorities is part of the wider “Anti-crisis shield” package of measures aimed to tackle the economic impact of the COVID-19 outbreak. The measure aims at facilitating the access of undertakings to external finance and restoring their capital at a time when the normal functioning of credit and capital markets is severely disturbed by the COVID-19 crisis and when that crisis is affecting the wider economy and leading to severe disturbances of the real economy of Member States. Therefore, the Commission considers that such prolongation aims at remedying a serious disturbance in the Polish economy.

3.2.10. Conversion of aid in the form of support for uncovered fixed costs under Section 3.12 of the Temporary Framework

In relation to aid scheme SA.59763, Poland has notified the possibility that the conversion of the non-reimbursable part of the repayable advance into the grant takes place no later than by 30 June 2023 (see recital (19)). Therefore, this amendment complies with point 87bis of the Temporary Framework.

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 107(3)(b) TFEU and 107(3)(c) TFEU since it meets all the relevant conditions of the Temporary Framework. The notified amendments do not alter the Commission’s conclusion on the compatibility of the existing aid schemes in the initial decision and in the amendments referred to in recital (2).
4. Conclusions

The Commission has accordingly decided not to raise objections to the schemes, as amended, on the grounds that they are compatible with the internal market pursuant to 107(3)(b) and 107(3)(c) 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