



EUROPEAN COMMISSION

Brussels, 20.12.2021
C(2021) 9831 final

PUBLIC VERSION

This document is made available for
information purposes only.

**Subject: State Aid SA.101046 (2021/N) – Ireland
COVID-19: Aid to licensed commercial bus operators (amendments
to SA.63009)**

Excellency,

1. PROCEDURE

- (1) By electronic notification of 13 December 2021, Ireland notified amendments (the “notified amendments”) to State aid measure SA.63009 (2021/N) – Ireland – COVID-19: Aid to licensed commercial bus operators (the “existing aid scheme”) – which had been approved by Commission decision of 5 August 2021 (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

¹ OJ C 327, 13.8.2021, p. 8.

² 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 Commission Communications C(2020) 2215 (OJ C 112I, 4.4.2020, p. 1), C(2020) 3156 (OJ C 164, 13.5.2020, p. 3), C(2020) 4509 (OJ C 218, 2.7.2020, p. 3), C(2020) 7127 (OJ C 340I, 13.10.2020, p. 1), C(2021) 564 (OJ C 34, 1.2.2021, p. 6), and C(2021) 8442 (OJ C 473, 24.11.2021, p. 1).

Mr. Simon Coveney, TD
Minister of Foreign Affairs and Trade,
Department of Foreign Affairs and Trade
Iveagh House,
80 St Stephen's Green,
Dublin 2
D02 VY53
IRELAND

2. DESCRIPTION OF THE NOTIFIED AMENDMENTS

- (2) The existing aid scheme, as authorized under the initial decision, is valid until 31 December 2021 and has as objective to grant liquidity support to undertakings engaged in urban and suburban passenger land transport in Ireland.
- (3) With the notified amendments, Ireland wishes to extend the period for granting the aid until 30 June 2022 and to increase the maximum amount of aid per beneficiary from EUR 1.8 million to EUR 2.3 million.
- (4) Apart from the notified amendments, Ireland confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unaltered.
- (5) The legal bases for the notified amendments are the Ministers and Secretaries Act 1924 and Official Decision of Irish Government S180/20/10/0648C of 21 January 2021.
- (6) Aid may be granted under the existing aid scheme as from the notification of the Commission's decision approving the notified amendments.

3. ASSESSMENT

3.1. Existence of State aid

- (7) 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.
- (8) The existing aid scheme constitutes State aid within the meaning of Article 107(1) TFEU for the reasons set out in recitals (29) to (34) 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 constitutes State aid within the meaning of Article 107(1) TFEU.

3.2. Compatibility

- (9) 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 3.1 of the Temporary Framework for the reasons set out in recitals (35) to (42) of the initial decision. The Commission therefore refers to the respective assessment of the initial decision.
- (10) The notified amendments do not affect that conclusion. In particular, the aid amount must not exceed the ceiling of EUR 2.3 million per undertaking at any given point in time (all figures used must be gross, that is, before any deduction of tax or other charge), in accordance with point 22(a) of the Temporary Framework. In addition, aid can be granted no later than 30 June 2022, in accordance with point 22(d) of the Temporary Framework.

- (11) Apart from the notified amendments, Ireland confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unaltered.
- (12) 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 scheme 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

