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Subject: State Aid SA.100961 (2021/N) – Belgium

Excellency,

1. Procedure

(1) By electronic notification of 7 December 2021, Belgium notified a re-introduction (the “notified measure”) of the following initial aid schemes (collectively, the “initial aid schemes”), which the Commission had already approved (“the initial decisions”) under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak1 (the “Temporary Framework”):


(b) SA.57083 (2020/N) “COVID-19: Guarantee scheme – Walloon Region” which the Commission approved by Decision C(2020) 2976 final of 30 April 2020;

(c) SA.57132 (2020/N) “COVID-19: Flemish subordinated loan scheme for start-ups, scale-ups and SMEs”, which the Commission approved by Decision C(2020) 3039 final of 5 May 2020;

(d) SA.57246 (2020/N) “Second Flemish subordinated loan scheme for start-ups, scale-ups and SMEs”, which the Commission approved by Decision C(2020) 3198 final of 11 May 2020;

(e) SA.58081 (2020/N) “Decision of the Flemish Government regarding a repayable advance in support of the restart of the event sector” which the Commission approved by Decision C(2020) 5227 final of 27 July 2020;


(h) SA.61748 (2021/N) “COVID-19: Flemish support for uncovered fixed costs” which the Commission approved by Decision C(2021) 1274 final of 19 February 2021;


(j) SA.62407 (2021/N) “COVID-19: Scheme for support to hotels and similar accommodation in Wallonia” which the Commission approved by Decision C(2021) 2531 final of 8 April 2021;


(m) SA.62883 (2021/N) “COVID-19: Régime d’aides destiné à certains secteurs touchés indirectement par les décisions de fermeture dans le cadre de la crise de la COVID-19” which the Commission approved by Decision C(2021) 3556 final of 17 May 2021;

(n) SA.62884 (2021/N) “COVID-19: Compensation for undertakings active in BtoB and indirectly affected by closure decisions in the Walloon region” which the Commission approved by Decision C(2021) 3538 final of 12 May 2021;

(o) SA.63932 (2021/N) “COVID-19: Compensation for the costs of rebooking events in the Flemish Region” which the Commission approved by Decision C(2021) 5447 final of 16 July 2021;

(q) SA.64031 (2021/N) “COVID-19: Specific compensation “cascade RECA” for self-employed and undertakings active in BtoB in the RECA sector [Indemnité spécifique “cascade RECA” à destination des indépendants et entreprises actifs en BtoB dans le secteur RECA]” which the Commission approved by Decision C(2021) 5849 final of 30 July 2021;


(s) SA.64072 (2021/N) “RRF – Strategic investment and innovation support to social economy companies in the context of the Covid-19 outbreak” which the Commission approved by Decision C(2021) 6921 final of 21 September 2021.


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


4 In cases SA.58081, SA.60524, SA.61748, SA.62430 and SA.63932 only the granting period is modified, but no new applications can be filed.
(6) Aid may be granted under the notified measure, as from the notification of the Commission’s approval of the measure.

(7) The legal bases for the notified measure are:

(a) For the scheme SA.56919 “Act of the Flemish Parliament of 6 February 2004 regarding a guarantee scheme for small, medium-sized and large enterprises” and “COVID-19 Government Decree”;


(c) For the scheme SA.57132 “Decision of Flemish Government to increase the capital of the publicly owned investment company Participatiemaatschappij Vlaanderen (“PMV”) by EUR 250 million with a view to financing the measure”, “Decision of PMV’s Board of Directors of 17 April 2020 to increase the capital of its subsidiary PMV/z-Leningen by EUR 250 million with a view to financing the measure”, and “Decision of the Board of Directors of PMV/z-Leningen NV of 22 April 2020 approving the granting of the measure”; 

(d) For the scheme SA.57246 “Decision of Flemish Government to increase the capital of the publicly owned investment company Participatiemaatschappij Vlaanderen (“PMV”) by EUR 250 million with a view to financing the measure”, “Decision of PMV’s Board of Directors of 17 April 2020 to increase the capital of its subsidiary PMV/z-Leningen by EUR 250 million with a view to financing the measure”, and “Decision of the Board of Directors of PMV/z-Leningen NV of 22 April 2020 approving the granting of the measure”; 

(e) For the scheme SA.58081 “Decree of the Flemish Government regarding a repayable advance in support of the restart of the event sector”;

(f) For the scheme SA.60198 “Amendment to a contract between the SOFIPOLE (a public entity of the Walloon region ) and the Université de Liège (University of Liège)” and “amendement to a Decree by the Walloon Government of 10 December 2020 conferring a delegated mission to the S.A. Sofipole for the award of a grant to the University of Liège for the financing of investments for the production of products in the context of COVID-19 testing”;

(g) For the scheme SA.60524 “Amendment of the Decision of the Flemish region Government regarding a Flemish Protection Mechanism for undertakings that suffer a turnover decline due to the continuing Covid-19 measures of 28 October 2020”;

(h) For the scheme SA.61748 “Decision of the Government of the Flemish region of Belgium, regarding a Covid-19 Globalisation Mechanism for undertakings that suffer a large turnover decline in 2020 due to the Covid-19 measures”;
For the scheme SA.62032 “Amendment to Decision from the Board of Directors of the Société Régionale d’Investissement de Wallonie S.A. ("SRIW")”;

For the scheme SA.62407 “Amendment to a Decree of the Walloon Government relating to the granting of a specific intervention in favour of hotels and similar accommodation in the context of the COVID-19 coronavirus crisis of 11 March 2021”;

For the scheme SA.62430 “Decision of the Flemish Government regarding the granting of a restart loan for undertakings with liquidity needs”;

For the scheme SA.62882 “Amendment to the Walloon Government Decree relating to granting of a specific compensation to the passengers transport sector in the context of the COVID-19 coronavirus crisis of 22 April 2021”;

For the scheme SA.62883 “Amendment to a Decree of the Walloon Government relating to the grant of a specific intervention in favour of certain sectors that are indirectly concerned by the shutdown decisions in the context of the COVID-19 coronavirus crisis of 22 April 2021”;

For the scheme SA.62884 “Amendment to a Decree of the Walloon Government relating to the grant of a specific compensation to destination of self-employed persons and companies active in BtoB and indirectly affected by the decisions closure of 22 April 2021”;

For the scheme SA.63932 “Decision of the Flemish Government regarding the compensation of the costs of the rebooking of events due to the COVID-19 measures”;

For the scheme SA.64030 “Amendment to an administrative act of the Walloon government of 1 July 2021 on the setting up of a resilience mechanism in favour of the sectors most durably affected since the beginning of the COVID-19 outbreak”;

For the scheme SA.64031 “Amendment to a Decree of the Walloon government of 1 July 2021 on the grant of a specific compensation “cascade Reca” for self-employed and undertakings active in BtoB in the RECA sector”;

For the scheme SA.64071 “Amendment to Decision of the Flemish Government establishing the rules for granting training aid to customized companies pursuant to COVID-19”;

For the scheme SA.64072 “Amendment to Decision of the Flemish Government establishing the rules for granting strategic investment and innovation support to customised companies, customised departments and local service companies pursuant to COVID19”.

3. **Assessment**

3.1. **Existence of State aid**

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.

(9) The initial 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 measure which reintroduces the initial aid schemes do equally not affect that conclusion. The Commission therefore refers to the assessment of the initial decisions and concludes that the notified measure constitutes State aid within the meaning of Article 107(1) TFEU.

3.2. Compatibility

(10) The initial aid schemes are compatible with the internal market pursuant to Article 107(3)(b) TFEU, since they meet the conditions of sections 2, 3.1⁵, 3.2⁶, 3.3⁷, 3.4⁸ and 3.12⁹, and pursuant to Article 107(3)(c) TFEU, since they meet the conditions of section 3.8¹⁰ of the Temporary Framework, for the reasons set out in the initial decisions. The amendments referred to in recitals (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.

(11) The Commission considers that the re-introduction of the initial aid schemes limited until 30 June 2022 is appropriate to ensure that national support measures effectively help affected undertakings during the COVID-19 pandemic. The notified measure does not affect the compatibility assessment made under the initial decisions and confirmed under the amendments specified in recital (2).

(12) Aid under the notified measure can be granted no later than 30 June 2022 (recital (4)). The modifications therefore comply, where applicable, with points 22(d), 25(c), 25(d), 25(e), 27(c), 39(b) and 87(a) of the Temporary Framework.

(13) Belgium confirms that no further amendments are proposed to the initial aid schemes as part of the notified measure and that all other conditions of that schemes remain unaltered.

(14) The Commission therefore considers that the notified measure is necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a Member State pursuant to Article 107(3)(b) TFEU. With regard to scheme SA.60198 based on section 3.8 of the Temporary Framework, the Commission has taken due consideration of the positive effects of the measure on tackling the

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⁶ See decisions SA.56919 and SA.57083.

⁷ See decisions SA.57246 and SA.62032.

⁸ See decisions SA.56919 and SA.57083.

⁹ See decision SA.61748.

¹⁰ See decision SA.60198.
health crisis provoked by the COVID-19 pandemic when balancing those effects against the potential negative effects of the measure on the internal market. The Commission concludes that those positive effects of the measure outweigh its potential negative effects on competition and trade. The Commission therefore considers that the notified measure does not alter the Commission’s conclusion on the compatibility of the initial aid schemes in the initial decisions and in the amendments referred to in recital (2).

4. **CONCLUSION**

The Commission has accordingly decided not to raise objections to the aid on the ground that it is compatible with the internal market pursuant to Article 107(3)(b) and Article 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](http://ec.europa.eu/competition/elojade/isef/index.cfm).

Yours faithfully,

For the Commission

Margrethe VESTAGER  
*Executive Vice-President*