



EUROPEAN COMMISSION

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PUBLIC VERSION

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**Subject: State Aid SA.102365 (2022/N) – Greece  
COVID-19: First amendment to SA.101934 (2022/N) – Working  
capital in the form of grants to companies continuously and severely  
affected by COVID-19**

Excellency,

## **1. PROCEDURE**

- (1) By electronic notification of 23 March 2022, Greece notified an amendment (“the first amendment”) to the aid scheme SA.101934 – “*Working capital to companies operating in certain subsectors of the Entertainment business, Catering services, Exhibitions and Conventions organization and various Fitness services, which have been affected continuously and severely by the COVID-19 Outbreak*” (the “measure”) – which the Commission approved by decision of 4 March 2022<sup>1</sup> (“the initial decision”), under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak (the “Temporary Framework”)<sup>2</sup>.

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<sup>1</sup> Commission Decision C(2022) 1449 final, of 4 March 2022, in case SA.101934 (2022/N).

<sup>2</sup> 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,

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- (2) Greece provided additional information on 24 March 2022.
- (3) Greece 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<sup>3</sup> and to have this Decision adopted and notified in English.

## **2. DESCRIPTION OF THE FIRST AMENDMENT**

- (4) Subject to the conditions laid down in the measure, eligible undertakings can obtain direct grants<sup>4</sup>.
- (5) Greece intends to introduce the first amendment to the measure, which concerns the following:
  - (a) First, to extend the scope of measure, by including additional specific NACE<sup>5</sup> codes within the sectors of manufacture of prepared meals and dishes, restaurants and mobile food service activities, support activities to performing arts, and activities of amusement parks and theme parks;
  - (b) Second, to exclude certain undertakings as eligible final beneficiaries, in addition to the ones already excluded by recital (12) of the initial decision, namely all types of sports clubs, clubs, and sports limited liability companies.
- (6) The legal basis of this amendment is the draft Ministerial Decision of the Ministry of Development and Investment on the first (1<sup>st</sup>) amendment of the call for funding for the existing aid scheme SA.101934. The Greek authorities confirm that the above-mentioned draft decision will only be issued after the notification of the Commission’s decision approving the notified amendment under SA.102365.
- (7) The Greek authorities confirm that there are no further changes to the existing measure and they commit to maintain all commitments established under the initial decision, referred to in recital (1).
- (8) The compatibility assessment of the amendment is based on Article 107(3)(b) TFEU, in light of Sections 2 and 3.1 of the Temporary Framework.

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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).

<sup>3</sup> Regulation No 1 determining the languages to be used by the European Economic Community, OJ 17, 6.10.1958, p. 385.

<sup>4</sup> See recital (6) of the initial decision.

<sup>5</sup> NACE Rev.2 – Statistical classification of economic activities in the European Community – as laid down in Regulation (EC) no 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domain (OJ L 393, 30.12.2006, p. 1).

### **3. ASSESSMENT**

#### **3.1. Lawfulness of the measure**

- (9) By notifying the measure before putting it into effect (recital (6)), the Greek authorities have respected their obligations under Article 108(3) TFEU.

#### **3.2. Existence of State aid**

- (10) 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.
- (11) The qualification of the scheme as State aid, within the meaning of Article 107(1) TFEU, was established in recitals (26) to (31) of the initial decision. The modifications to the measure, as described in recital (5) above, do not alter the conclusions set out in the aforementioned recitals of the initial decision.

#### **3.3. Compatibility**

- (12) The Commission already assessed the initial measure, on the basis of Article 107(3)(b) of the TFEU, in light of the Temporary Framework, and concluded that it was compliant with the compatibility conditions set out in that framework. The Commission refers to its compatibility analysis as set out in recitals (32) to (41) of the initial decision.
- (13) The Commission considers that its conclusions on the compatibility assessment of the measure, with the Temporary Framework, are not altered by the modifications described in recital (5). The modifications described in recital (5), regarding the eligible sectors and undertakings, do not alter any of the conditions previously analysed by the Commission in its initial decision –the limited amount of aid (recital (37) first indent), the estimated budget (recital (37) second indent), the fact that no aid is granted to medium and large enterprises that were already in difficulty on 31 December 2019 (recital (37) third indent), the fact that no aid shall be granted after 30 June 2022 (recital (37) fourth indent) or the absence of transmission of aid granted to undertakings active in the processing and marketing of agricultural products to primary producers (recital (37) fifth indent) – and, hence, continue to comply with article 22 of the Temporary Framework.
- (14) Lastly, the Greek authorities confirm that they will maintain all the commitments established in the initial decision (see recital (7)).
- (15) The Commission therefore considers that the 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, since it meets all the relevant conditions of the Temporary Framework.

#### **4. CONCLUSION**

The Commission has accordingly decided not to raise objections to the aid 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