



EUROPEAN COMMISSION

Brussels, 06.12.2023  
C(2023) 8609 final

PUBLIC VERSION

This document is made available for  
information purposes only.

**Subject: State Aid SA.110218 (2023/N) – Hungary  
TCTF: Prolongation of and amendments to the schemes SA.104385 and  
SA.103089 (amended by SA.104009, SA.104850, SA.106542, SA.107379)**

Excellency,

## 1. PROCEDURE

- (1) By electronic notification of 22 November 2023, Hungary notified amendments (the ‘notified amendments’) to the following existing aid schemes (the ‘existing aid schemes’) which the Commission approved under the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia <sup>(1)</sup> or under the Temporary Crisis and Transition Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (the ‘Temporary Crisis and Transition Framework’) <sup>(2)</sup>:

- 
- <sup>(1)</sup> Communication from the Commission on the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (OJ C 131 I, 24.3.2022, p. 1), as amended on 20 July 2022 (OJ C 280, 21.7.2022, p. 1) and replaced by the Temporary Crisis Framework adopted on 28 October 2022 (OJ C 426, 9.11.2022, p. 1).
- <sup>(2)</sup> Communication from the Commission on the Temporary Crisis and Transition Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia (OJ C 101, 17.3.2023, p. 3), as amended by Commission Communication C(2023)8045 (OJ C1188, 21.11.2023, ELI: <http://data.europa.eu/eli/C/2023/1188/oj>).

Őexcellenciája  
Péter Szijjártó  
Külügyminiszter  
1027 Budapest Bem rakpart 47.  
MAGYARORSZÁG/HUNGARY

- (a) case SA.103089 (2022/N) – Hungary – TCF: Hungarian umbrella scheme to support companies in context of Russia's invasion of Ukraine, as amended <sup>(3)</sup>, and
  - (b) case SA.104385 (2022/N) – Hungary – TCTF: Aid for additional costs due to exceptionally severe increases in natural gas and electricity prices <sup>(4)</sup> (the ‘initial decisions’).
- (2) Hungary 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>(5)</sup> and to have this Decision adopted and notified in English.

## **2. DESCRIPTION OF THE NOTIFIED AMENDMENTS**

- (3) The objective of the existing aid schemes is to remedy the liquidity shortage faced by undertakings that are directly or indirectly affected by the serious disturbance of the economy caused by the Russian aggression against Ukraine and its direct and indirect effects, including the sanctions imposed and the counter-measures taken, for example by Russia.
- (4) Hungary proposes to amend the existing aid schemes as follows:
- a. to prolong the duration of the existing aid schemes from 31 December 2023 to 30 June 2024;
  - b. to increase the overall maximum aid amount per undertaking that may be granted under the existing aid scheme SA.103089 (as amended) from EUR 250 000 to EUR 280 000 per undertaking active in the primary production of agricultural products and from EUR 300 000 to EUR 335 000 per undertaking active in the fishery and aquaculture sectors and from EUR 2 million to EUR 2.25 million per undertaking active in other sectors;
  - c. to increase the budget of the existing aid scheme SA.103089 (as amended) from HUF 2 631.72 billion (approx. EUR 7 billion) to HUF 2 921.92 billion (approx. EUR 7.7 billion) <sup>(6)</sup>.
- (5) Hungarian authorities confirm that where an undertaking is active in several sectors to which different maximum amounts apply in accordance with points 61(a) and 62(a), it is ensured, by appropriate means, such as separation of accounts, that the relevant ceiling is respected for each of those activities and that

---

<sup>(3)</sup> Commission Decision C(2022) 4303 final of 20 June 2022 in case SA.103089 (OJ C 292, 29.7.2022, p. 10), amended by Commission Decision C(2022) 6285 final of 31 August 2022 in case SA.104009 (OJ C 378, 30.9.2022 p. 7), Commission Decision C(2022) 9348 final of 9 December 2022 in case SA.104850 (OJ C 5, 6.1.2023, p. 10), Commission Decision C(2023) 1697 final of 9 March 2023 in case SA.106542 (OJ C 117, 31.3.2023, p. 5), and Commission Decision C(2023) 3918 final of 13 June 2023 in case SA.107379 (OJ C 242, 7.7.2023, p. 10).

<sup>(4)</sup> Commission Decision C(2023) 2583 final of 13 April 2023 in case SA.104385 (OJ C 276, 4.8.2023, p. 1).

<sup>(5)</sup> Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

<sup>(6)</sup> Conversion rate applied in the decision as of 22 November 2023 (1 EUR = 380.60 HUF).

the overall maximum amount of EUR 2.25 million is not exceeded per undertaking. Where an undertaking is active exclusively in the sectors covered by point 62(a) the overall maximum amount of EUR 335 000 is not exceeded per undertaking.

- (6) Apart from the notified amendments, Hungary confirms that no further amendments are proposed to the existing aid schemes and that all other conditions of these schemes remain unaltered.
- (7) The Hungarian authorities indicate that the national legal bases for the existing aid schemes remain the same legal bases listed in the initial decisions, which will reflect the notified amendments <sup>(7)</sup>.
- (8) 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. Lawfulness of the measure**

- (9) By notifying the amendments before putting them into effect, the Hungarian authorities have respected their obligations under Article 108(3) TFEU (recital (8)).

#### **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 be liable to affect trade between Member States.
- (11) The existing aid schemes constitute State aid within the meaning of Article 107(1) TFEU for the reasons set out in the initial decisions <sup>(8)</sup>. The notified amendments do not affect that conclusion. The Commission therefore refers to the respective 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.

#### **3.3. Compatibility**

- (12) The existing aid schemes are compatible with the internal market pursuant to Article 107(3), point (b) TFEU, since they meet the conditions of sections 1 and 2.1 (SA.103089, as amended) and sections 1 and 2.4 (SA.104385) of the Temporary Crisis and Transition Framework for the reasons set out in the initial

---

<sup>(7)</sup> See recital (12) of the initial decision in case SA.104385; recital (8) of the initial decision in case SA.103089; recitals (6) to (8) and (11) of the decision in case SA.104009; recitals (4)(d)(iii) and (4)(d)(iv) and 6 of the decision in case SA.104850; recitals (4)(a)(i) and (4)(a)(ii) of the decision in case SA.106542; and recital (6) of the decision in case SA.107379.

<sup>(8)</sup> Recitals (33) to (38) of the initial decision in case SA.103089 and recitals (46) to (51) of the initial decision in case SA.104385.

decisions <sup>(9)</sup>. The Commission therefore refers to the respective assessment of the initial decisions.

- (13) The notified amendments do not affect the conclusion that the existing aid schemes are compatible with the internal market pursuant to Article 107(3), point (b) TFEU. In particular:
- The aid under the existing aid schemes SA.103089 (as amended) and SA.104385 will be granted no later than 30 June 2024 (recital (4)a), which will comply with point 61(c) and point 72(a), respectively, of the Temporary Crisis and Transition Framework.
  - Under the existing aid scheme SA.103089 (as amended), the maximum aid amount per undertaking active in the primary production of agricultural products will be increased to EUR 280 000, the maximum aid amount per undertaking active in the fishery and aquaculture sectors will be increased to EUR 335 000, and the maximum aid amount per undertaking active in other sectors will be increased to EUR 2.25 million (recital (4)b), which will thus comply with points 61(a) and 62(a) of the Temporary Crisis and Transition Framework.
  - Where an undertaking is active in several sectors to which different maximum aid amounts apply in accordance with points 61(a) and 62(a) of the Temporary Crisis and Transition Framework, Hungary will ensure, by relying on appropriate means, such as separation of accounts, that the relevant ceiling is respected for each of those activities and that the overall maximum amount of EUR 2.25 million is not exceeded per undertaking per Member State (recital (5)). Where an undertaking is active in the sectors covered by point 62(a) of the Temporary Crisis and Transition Framework, the overall maximum amount of EUR 335 000 is not exceeded per undertaking per Member State (recital (5)). The measure therefore complies with point 63 of the Temporary Crisis and Transition Framework.
  - The existing aid scheme SA.103089 (as amended) will continue to be granted on the basis of a scheme with an estimated budget (recital (4)c). The notified amendments therefore comply with point 61(b) of the Temporary Crisis and Transition Framework.
- (14) Apart from the notified amendments, Hungary confirms that no further amendments are proposed to the existing aid schemes and that all other conditions of these schemes remain unaltered (recital (6)).
- (15) 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), point (b) TFEU, since they meet all the relevant conditions of the Temporary Crisis and Transition Framework. The Commission therefore considers that the notified amendments do not alter the Commission's conclusion on the compatibility of the existing aid schemes in the initial decisions.

---

<sup>(9)</sup> Recitals (39) to (49) of the initial decision in case SA.103089 and recitals (52) to (62) of the initial decision in case SA.104385.

#### 4. CONCLUSION

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 Article 107(3), point (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: <https://competition-cases.ec.europa.eu/search?caseInstrument=SA>.

Yours faithfully,

For the Commission

Didier REYNDERS  
Member of the Commission