



EUROPEAN COMMISSION

Brussels, 27.3.2024
C(2024) 2118 final

SENSITIVE (*): *COMP Operations*

Subject: State Aid SA.113201 (2024/N) – Italy (Friuli Venezia Giulia)
TCTF: Umbrella scheme for the agricultural, forestry and fisheries
and aquaculture sectors (Fourth amendment to SA.102522 (2022/N))

Excellency,

1. PROCEDURE

- (1) By electronic notification of 15 March 2024, Italy notified an amendment (the ‘notified amendment’) to the existing aid scheme (the ‘existing aid scheme’) 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’) ⁽¹⁾. The Commission approved the existing aid scheme under the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (the ‘Temporary Crisis Framework’) ⁽²⁾ by decision in case SA.102522 (2022/N) – “*TCTF: Regime Quadro per i settori agricolo, forestale e della pesca ed acquacoltura nel rispetto del Quadro temporaneo di crisi*” ⁽³⁾ (the ‘initial decision’). This scheme was

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- ⁽¹⁾ 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>).
- ⁽²⁾ Communication from the Commission on the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia adopted on 28 October 2022 (OJ C 426, 9.11.2022, p.1), replacing the Temporary Crisis Framework adopted on 23 March 2022 (OJ C 131 I, 24.3.2022, p. 1), as amended on 20 July 2022 (OJ C 280, 21.7.2022, p. 1). This previous Temporary Crisis Framework was withdrawn with effect from 9 March 2023, following the adoption of the current Temporary Crisis and Transition Framework.
- ⁽³⁾ Commission Decision C(2022) 2754 final of 22 April 2022 in case SA.102522 (OJ C/204/2022).

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amended by decisions in cases SA.104055 (2022/N) ⁽⁴⁾ ('first amendment decision'), SA.104888 (2022/N) ⁽⁵⁾ ('second amendment decision') and SA.110322 (2023/N) ⁽⁶⁾ ('third amendment decision'). On 25 March 2024, Italy submitted complementary information.

- (2) Italy 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 ⁽⁷⁾ and to have this Decision adopted and notified in English.

2. DESCRIPTION OF THE NOTIFIED AMENDMENTS

- (3) The objective of the existing aid scheme 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, the sanctions imposed by the EU or by its international partners, as well as by the economic counter measures taken so far by Russia.
- (4) Italy wishes to increase the total budget of the measure from EUR 100 million to EUR 250 million (an addition of EUR 150 million).
- (5) Apart from the notified amendment, Italy confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unaltered.
- (6) The legal basis for the notified amendment is the Regional Law No 5 of 1 April 2020 (article 12, commas 2 *bis*, 2 *ter* and 3) ⁽⁸⁾.
- (7) Aid may be granted under the existing aid scheme, as amended, as from the notification of the Commission's decision approving the notified amendment ⁽⁹⁾.

3. ASSESSMENT

3.1. Existence of State aid

- (8) 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

⁽⁴⁾ Commission Decision C(2022) 6093 final of 19 August 2022 in case SA.104055 (OJ C/337/2022).

⁽⁵⁾ Commission Decision C(2022) 6426 final of 25 November 2022 in case SA.104888 (OJ C/480/2022).

⁽⁶⁾ Commission Decision C(2023) 8676 final of 7 December 2023 in case SA.110322 (OJ C/847/2024).

⁽⁷⁾ Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

⁽⁸⁾ *Legge regionale 01 aprile 2020, n. 5 "Ulteriori misure urgenti per far fronte all'emergenza epidemiologica da COVID-19 e alle conseguenze del conflitto russo-ucraino nel comparto agricolo e agroalimentare."* (Articolo 12, commi 2 *bis*, 2 *ter* e 3).

⁽⁹⁾ The Italian authorities commit that no aid related to the notified amendment has been granted and that none will be granted until they receive the notification of the Commission's decision approving the notified amendment.

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.

- (9) 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, in recitals (9) and (10) of the first amendment decision, in recitals (8) and (9) of the second amendment decision and in recitals (9) and (10) of the third amendment decision. The notified amendment does not affect that conclusion. The Commission therefore refers to the respective assessment of the initial decision and the amending decision and concludes that the existing aid scheme, as amended, constitutes State aid within the meaning of Article 107(1) TFEU.

3.2. Compatibility

- (10) The existing aid scheme is compatible with the internal market pursuant to Article 107(3), point (b), TFEU, by meeting the conditions of sections 1 and 2.1 of the Temporary Crisis Framework for the reasons set out in recitals (35) to (44) of the initial decision, in recitals (11) to (14) of the first amendment decision, in recitals (10) to (14) of the second amendment decision and in recitals (11) to (15) of the third amendment decision. The Commission therefore refers to the respective assessments of the initial decision and of the amending decisions. The Commission notes that that assessment remains valid although the Temporary Crisis Framework has in the meantime been replaced by the Temporary Crisis and Transition Framework as referred to in recital (1) of this Decision, in as much as the conditions of sections 1 and 2.1 of the previous Temporary Crisis Framework that are relevant for the initial decision and the amending decisions have not been modified substantively in the current Temporary Crisis and Transition Framework.
- (11) The notified amendment does not affect the conclusion that the existing aid scheme is compatible with the internal market pursuant to Article 107(3), point (b), TFEU. In particular, the total budget of the measure will be increased (recital (4)). The existing aid scheme will continue to be granted on the basis of a scheme with an estimated budget (recital (4)). The notified amendment thus complies with point 61(b) of the Temporary Crisis and Transition Framework. Therefore, the Commission considers that the notified amendment does not affect the assessment of the compatibility of the existing aid scheme with the internal market, as carried out in the initial decision and in the amending decision.
- (12) Apart from the notified amendment, Italy confirms that no further amendments are proposed to the existing aid scheme and that all other conditions of that scheme remain unaltered (recital (5)).
- (13) The Commission therefore considers that the notified amendment does not alter the Commission's conclusion on the compatibility of the existing aid scheme in the initial decision and in the amending decision. The Commission therefore considers that the notified amendment is 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 of the relevant conditions of the Temporary Crisis and Transition Framework.

4. CONCLUSION

The Commission has accordingly decided not to raise objections to the existing aid scheme, as amended, on the grounds that it is 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: <http://ec.europa.eu/competition/elojade/isef/index.cfm>.

Yours faithfully,

For the Commission

Margrethe VESTAGER
Executive Vice-President

