



## Circolare n. 1/2024

Oggetto: Proroga del regime di aiuti SA.103166 a valere sul "Quadro temporaneo di crisi e transizione per misure di aiuto di Stato a sostegno dell'economia a seguito dell'aggressione della Russia contro l'Ucraina" - Garanzie U35

Si fa riferimento all'operatività in oggetto e, in particolare, alla precedente circolare n. 5/2023, con la quale si indicava la data del 7 giugno 2024 come termine ultimo per l'acquisizione delle nuove domande di garanzia U35.

Al riguardo si comunica che, con decisione C (2024) 3889 final del 7 giugno 2024, che si allega, la Commissione europea ha autorizzato la proroga della durata del regime di aiuti indicato in oggetto fino al 31 dicembre 2024.

La proroga riguarderà esclusivamente le attività che rientrano nel settore della produzione primaria di prodotti agricoli nonché nei settori della pesca e dell'acquacoltura.

Con l'occasione, si evidenzia che resta confermata al 30 giugno 2024 la scadenza finale per la concessione degli aiuti relativi alle domande già presentate in relazione al regime di aiuti SA.108084 (Garanzia GR8).

In relazione a quanto sopra esposto, a parziale modifica di quanto indicato nella circolare n. 5/2023, si fa presente che le domande di garanzia U35 potranno essere inoltrate, per il tramite dei soggetti finanziatori, attraverso il portale dedicato fino al giorno venerdì 6 dicembre 2024.

Restano ferme tutte le altre indicazioni fornite con le precedenti circolari.

Si resta a disposizione per eventuali, ulteriori occorrenze e si porgono distinti saluti.

Il Direttore Generale  
Dr.ssa Maria Chiara Zaganelli  
*Firmato digitalmente ai sensi del CAD*

Allegato



EUROPEAN COMMISSION

Brussels, 7.6.2024  
C(2024) 3889 final

**SENSITIVE (\*)**: *COMP Operations*

**Subject:** State Aid SA.114311 (2024/N) – Italy  
**TCTF: Guarantees on loans in favour of agricultural, forestry, fishery and aquaculture undertakings having experienced an increase in energy costs (Fourth amendment to SA.103166 (2022/N))**

Excellency,

## 1. PROCEDURE

- (1) By electronic notification of 30 May 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’) <sup>(1)</sup>. 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’) <sup>(2)</sup> by decision in case SA.103166 (2022/N) – “TCF:

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- <sup>(1)</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 Communications C(2023)8045 (OJ C1188, 21.11.2023, ELI: <http://data.europa.eu/eli/C/2023/1188/oj>) (“First Amendment to the Temporary Crisis and Transition Framework”) and C(2024)3113 (OJ C3113, 2.5.2024, ELI: <http://data.europa.eu/eli/C/2024/3113/oj>) (“Second Amendment to the Temporary Crisis and Transition Framework”).
- <sup>(2)</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 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

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*Guarantees on loans in favour of agricultural, forestry, fishery and aquaculture undertakings having experienced an increase in energy costs”* <sup>(3)</sup> (the ‘initial decision’). This scheme was amended by decisions in cases SA.104501 (2022/N) <sup>(4)</sup> (‘first amendment decision’), SA.104881 (2022/N) <sup>(5)</sup> (‘second amendment decision’) and SA.110664 (2023/N) <sup>(6)</sup> (‘third amendment decision’).

- (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 <sup>(7)</sup> 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 military aggression against Ukraine and its direct and indirect effects, including the sanctions imposed and the counter measures taken, for example by Russia.
- (4) Italy proposes to amend the existing aid scheme by:
- (a) extending until 31 December 2024 the possibility to grant aid in the form of limited amounts of aid under section 2.1 of the Temporary Crisis and Transition Framework to undertakings active in the primary production of agricultural products as well as undertakings active in the fishery and aquaculture sectors. These undertakings are considered affected by the current crisis, in line with point 7 of the Second Amendment to the Temporary Crisis and Transition Framework;
  - (b) increasing the overall budget from EUR 150 million to EUR 179 million.
- (5) Apart from the notified amendments, 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 measure is Article 20 of the Law Decree n. 50 of 17 May 2022 containing Urgent measures relating to national energy policies, business

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Temporary Crisis Framework was withdrawn with effect from 9 March 2023, following the adoption of the current Temporary Crisis and Transition Framework.

<sup>(3)</sup> Commission Decision C(2022) 4378 of 22 June 2022 (OJ C 316, 19.8.2022, p. 1).

<sup>(4)</sup> Commission Decision C(2022) 7604 of 21 October 2022 (OJ C 430, 11.11.2022, p. 1).

<sup>(5)</sup> Commission Decision C(2022) 8765 of 28 November 2022 (OJ C 480, 16.12.2022, p. 1).

<sup>(6)</sup> Commission Decision C(2023) 9090 of 18 December 2023 (OJ C/2024/850, 18.1.2024).

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

productivity and investment attraction, as well as in the field of social policies and the Ukrainian crisis <sup>(8)</sup>.

- (7) Aid may be granted under the existing aid schemes, as amended, as from the notification of the Commission's decision approving the notified amendment.

### **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 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 (36) to (41) of the initial decision and in recitals (8) and (9) of the first amendment decision, in recitals (8) and (9) of the second amendment decision and in recitals (8) and (9) 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 decisions 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 the initial decision, as amended <sup>(9)</sup>. The Commission therefore refers to the respective assessment of the initial decision and of the amending decisions.
- (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:
- (a) the Commission notes that the extension of the date until which aid may be granted under the existing aid scheme, as described in recital (4)(a), complies with point (61)(c) of the Temporary Crisis and Transition Framework;

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<sup>(8)</sup> *Decreto-legge 17 maggio 2022, n. 50, Misure urgenti in materia di politiche energetiche nazionali, produttività delle imprese e attrazione degli investimenti, nonché in materia di politiche sociali e di crisi ucraina.*

<sup>(9)</sup> See recitals (42) to (52) of the initial decision, recitals (10) to (13) of the first amendment decision, recitals (10) to (13) of the second amendment decision and recitals (10) to (13) of the third amendment decision.

- (b) the total budget of the measure will be increased (recital (4)(b)). The existing aid scheme will continue to be granted on the basis of a scheme with an estimated budget (recital (4)(b)). The notified amendment thus complies with point 61(b) of the Temporary Crisis and Transition Framework.
- (12) The Commission further notes that while the economic disturbance affects the economy widely across all Member States, the implementation of certain measures to effectively remedy these effects may require more time specifically in the sectors for primary production of agricultural products, fisheries and aquaculture. In these specific sectors, that are characterised by a particular high share of small undertakings, the adjustment process to effectively overcome the current crisis requires additional time. In addition, and in particular for the primary production of agricultural products and to a certain extent also for aquaculture, the dependency on the annual growths seasons and harvesting cycles are relevant sector-specific features to be considered, including the need to acquire inputs at a time of particularly high prices whilst selling the resulting products at the current depressed prices. Against this background, the Commission considers that those undertakings can be considered undertakings affected by the current crisis for the purpose of point 61(d) of the Temporary Crisis and Transition Framework without the notifying Member State having to provide any further justification. The beneficiaries affected by the extension of the date until which aid may be granted under the existing aid scheme, as described in recital (4)(a), are active in the sector for primary production of agricultural products, fisheries and aquaculture and thus considered undertakings affected by the current crisis under point 61(d) of the Temporary Crisis and Transition Framework, in line with point 7 of the Second Amendment to the Temporary Crisis and Transition Framework.
- (13) Apart from the notified amendments, 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)).
- (14) 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: <https://competition-cases.ec.europa.eu/search?caseInstrument=SA>.

Yours faithfully,

For the Commission

Margrethe VESTAGER  
Executive Vice-President

