



Circolare n. 5/2023

Oggetto: Proroga delle misure straordinarie 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 – proroga del regime SA.103166

Garanzie GR8 – proroga del regime SA.108084

Si fa riferimento all'operatività in oggetto e, in particolare, alle precedenti circolari nn. 7/2022 e 4/2023, con le quali si indicava la data del 12 dicembre 2023 come termine ultimo per l'acquisizione delle nuove domande di garanzia.

Al riguardo si comunica che, con decisione C(2023) 9090 *final* del 18 dicembre 2023, che si allega, la Commissione europea ha autorizzato la proroga della durata dei regimi di aiuto indicati in oggetto fino al 30 giugno 2024.

In relazione a ciò, a parziale modifica di quanto indicato nelle circolari citate in premessa, si fa presente che le domande di garanzia potranno essere inoltrate, per il tramite dei soggetti finanziatori, attraverso i portali dedicati fino al giorno venerdì 7 giugno 2024, fatta eccezione, in relazione alle sole garanzie GR8, per i finanziamenti di importo superiore a 150.000,00 euro per i quali, considerata la necessità di espletare le verifiche ai sensi della disciplina antimafia di cui al decreto legislativo 6 settembre 2011, n. 159, la prenotazione deve essere effettuata entro e non oltre il giorno venerdì 24 maggio 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 18.12.2023
C(2023) 9090 final

SENSITIVE*: *COMP Operations*

Subject: **State Aid SA.110664 (2023/N) – Italy**
- TCTF: Guarantees on loans in favour of agricultural, forestry, fishery and aquaculture undertakings having experienced an increase in energy costs (amendment to SA.103166 (2022/N))
- TCTF: Guarantees on credits granted to agricultural and fishing companies for the construction of plants for the production of renewable energy (amendment to SA.108084 (2023/N))

Excellency,

1. PROCEDURE

- (1) By electronic notification of 7 December 2023, Italy notified an amendment (the ‘notified amendment’) to the following existing aid schemes (the ‘existing aid schemes’) which the Commission approved 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⁾ by decisions in cases SA.103166 (2022/N) “*Guarantees on loans in favour of agricultural, forestry, fishery and aquaculture undertakings having experienced an increase in energy costs*” as amended by cases SA.104501 (2022/N) and SA.104881 (2022/N)⁽²⁾ and SA.108084 (2023/N) “*Guarantees on*

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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⁾ Commission Decision C(2022)4378 of 22 June 2022 in case SA.103166 (OJ C 316, 19.8.2022, p. 1), as amended by Commission Decisions C(2022)7604 of 21 October 2022 in case SA.104501 (OJ C

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credits granted to agricultural and fishing companies for the construction of plants for the production of renewable energy” ⁽³⁾ (the ‘initial decisions’). On 11 December 2023, 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 ⁽⁴⁾ 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) Italy proposes to amend the existing aid schemes prolonging their duration from 31 December 2023 to 30 June 2024.
- (5) Apart from the notified amendments, Italy confirms that no further amendments are proposed to the existing aid schemes and that all other conditions of these schemes remain unaltered.
- (6) The respective legal bases for the notified amendments are:
- (a) for case SA.103166 (2022/N), Article 20 of the Law Decree n. 50 of 17 May 2022 containing Urgent measures relating to national energy policies, business productivity and investment attraction, as well as in the field of social policies and the Ukrainian crisis ⁽⁵⁾;
- (b) for case SA.108084 (2023/N), Law No 56 of 26 May 2023, containing the “conversion into law, with amendments, of the Decree law No 34 of 30 March 2023 containing urgent measures to support families and businesses for the purchase of electricity and natural gas, as well as in matters of health and tax compliance” and, specifically, Article 4, paragraphs 10 *bis* and 10 *ter* of the decree law ⁽⁶⁾.

430, 11.11.2022, p. 1) and C(2022)8765 of 28 November 2022 in case SA.104881 (OJ C 480, 16.12.2022, p. 1).

⁽³⁾ Commission Decision C(2023)5305 of 31 July 2023 in case SA.108084 (OJ C 284, 11.8.2023, p. 21).

⁽⁴⁾ Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

⁽⁵⁾ *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.*

⁽⁶⁾ *Legge 26 maggio 2023, n. 56, recante “conversione in legge, con modificazioni, del decreto-legge 30 marzo 2023, n. 34, recante misure urgenti a sostegno delle famiglie e delle imprese per l’acquisto di energia elettrica e gas naturale, nonché in materia di salute e adempimenti fiscali” (Gazzetta Ufficiale - Serie Generale n. 124 del 29/05/2023) e, in particolare, l’articolo 4, commi 10 bis e 10 ter del decreto legge.*

- (7) 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. 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 schemes constitute State aid within the meaning of Article 107(1) TFEU for the reasons set out in the initial decisions ⁽⁷⁾. The notified amendment does 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.

3.2. Compatibility

- (10) The existing aid schemes are compatible with the internal market pursuant to Article 107(3), point (b) TFEU, since they meet the conditions of section 1 and section 2.1 of the Temporary Crisis and Transition Framework for the reasons set out in the initial decisions ⁽⁸⁾. The Commission therefore refers to the respective assessment of the initial decisions.
- (11) The notified amendment does 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.103166 and SA.108084 will be granted no later than 30 June 2024 (recital 4)). The notified amendment thus comply with point 61(c) of the Temporary Crisis and Transition Framework.
- (12) Apart from the notified amendment, Italy confirms that no further amendments are proposed to the existing aid schemes and that all other conditions of these schemes remain unaltered.
- (13) 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

⁽⁷⁾ For case SA.103166, recitals (36) to (41) of the Commission Decision C(2022)4378 of 22 June 2022, recitals (8) and (9) of the Commission Decision C(2022)7604 of 21 October 2022 in case SA.104501 and recitals (8) and (9) of the Commission Decision C(2022)8765 of 28 November 2022 in case SA.104881. For case SA.108084, recitals (32) to (37) of the Commission Decision C(2023)5305 of 31 July 2023.

⁽⁸⁾ For case SA.103166, recitals (42) to (52) of the Commission Decision C(2022)4378 of 22 June 2022, recitals (10) and (13) of the Commission Decision C(2022)7604 of 21 October 2022 in case SA.104501 and recitals (10) and (13) of the Commission Decision C(2022)8765 of 28 November 2022 in case SA.104881. For case SA.108084, recitals (38) to (52) of the Commission Decision C(2023)5305 of 31 July 2023.

the relevant conditions of the Temporary Crisis and Transition Framework. The Commission therefore considers that the notified amendment does not alter the Commission's conclusion on the compatibility of the existing aid schemes in the initial decisions.

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: <http://ec.europa.eu/competition/elojade/isef/index.cfm>.

Yours faithfully,

For the Commission

Margrethe VESTAGER
Executive Vice-President

