

THIS FORM SHOULD BE ATTACHED AS AN ANNEX TO THE STANDARD NOTIFICATION FORM IN SANI2

NOTIFICATION TEMPLATE FOR THE TEMPORARY FRAMEWORK FOR STATE AID MEASURES TO SUPPORT THE ECONOMY IN THE CURRENT COVID-19 OUTBREAK*

On 19 March 2020, the Commission adopted the Communication on the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak (TF COVID-19).¹ On 3 April 2020, 8 May 2020, 29 June 2020, 13 October 2020, 28 January 2021, and 18 November 2021 the Commission amended the Temporary Framework.²

The Commission invites Member States to provide in their notification:

- the general information under Section I (including the language waiver in Annex I);
- the additional information under the different points in Section II below:
 - Point 1: for aid under section 3.13 – Investment support towards a sustainable recovery
 - Point 2: for aid under section 3.14 – Solvency support

¹ Communication from the Commission C(2020) 1863 final of 19 March 2020 on the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, OJ C 091I of 20.3.2020, p.1.

² Communication from the Commission C(2020) 2215 final of 3 April 2020 on the Amendment of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, OJ C 112I, 4.4.2020, p. 1-9, Communication from the Commission C(2020) 3156 final of 8 May 2020 on the Amendment of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, OJ C 164, 13.5.2020, p. 3-15, Communication from the Commission C(2020) 4509 final of 29 June 2020 on the Third Amendment of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, OJ C 218 of 2 July 2020, p. 3-8, Communication from the Commission C(2020) 7127 final of 13 October 2020 on the Fourth Amendment of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak and amendment to the Annex to the Communication from the Commission to the Member States on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance, OJ C 340 I, 13.10.2020, p. 1, Communication from the Commission C(2021) 564 final of 28 January 2021 on the Fifth Amendment to the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak and amendment to the Annex to the Communication from the Commission to the Member States on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance, OJ C 34, 1.2.2021, p. 6, and Communication from the Commission C(2021) 8442 final of 18 November 2021 on the Sixth Amendment to the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak and amendment to the Annex to the Communication from the Commission to the Member States on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance, OJ C 473, 24.11.2021, p. 1.

SECTION I: GENERAL INFORMATION

1. **Description of the serious disturbance in the economy of your country and the official reaction of your authorities**

Considering that the COVID-19 outbreak affects all Member States and that the containment measures taken by Member States impact undertakings, the Commission considers that State aid is justified and can be declared compatible with the internal market. The information below aims at clarifying the country specific situation:

- Data on the economic impact of the COVID-19 outbreak in your country, notably in the sectors covered by the scheme, information on investment gap and rising levels of indebtedness faced by undertakings, if available,
- Sequence of (main) events between the occurrence and the adoption of the notified measure including any official recommendations or prohibitions decided by the competent authorities.

2. **General description of the aid measure**

- National legal basis - please provide a copy;
- Granting authority and competent authority to manage the scheme, if different;
- Objective of the notified aid measure;
- Budget;
- Geographical scope;
- Beneficiaries: estimated number / sectors concerned / size of companies concerned, if relevant / exclusions from scope;
- Duration:
 - Date of entry into force of the scheme:
 - Confirmation of compliance with 108(3) TFEU³:
 - Time period in which beneficiaries can submit application for aid:
 - Latest date until which individual aid will be granted under the notified measure:

³ No aid granted before notification of the Commission's approval.

3. General confirmations and commitments:

- Confirm that aid granted under section 3.13 TF COVID-19 is not open to medium⁴ and larger enterprises that were already in difficulty (within the meaning of the General Block Exemption Regulation⁵, the Agricultural Block Exemption Regulation⁶ or of the Fisheries Block Exemption Regulation⁷ respectively) on 31 December 2019;
- Confirm that if aid granted under section 3.13 TF COVID-19 is open to micro and small enterprises⁸ that were already in difficulty on 31 December 2019, these enterprises, at the moment of granting of the aid, are not subject to collective insolvency procedure under national law and that they have not received rescue aid or restructuring aid. If these enterprises have received rescue aid, confirm that, at the moment of granting the aid, these enterprises will have reimbursed the loan or terminated the guarantee. If these enterprises have received restructuring aid, confirm that, at the moment of granting of the aid, these enterprises will no longer be subject to a restructuring plan.
- Confirm that credit and financial institutions are excluded from the scope of the notified aid measure and cannot benefit from the aid, except when these institutions channel aid in form of loans and guarantees in compliance with point 29, 30 and 31 TF COVID-19.
- Confirm that the aid is not conditioned on the relocation of a production activity or of another activity of the beneficiary from another country within the EEA to the territory of the Member State granting the aid. This is irrespective of the number of job losses actually occurred in the initial establishment of the beneficiary in the EEA.
- Confirm if aid under TF COVID-19 may be cumulated with de minimis aid⁹ and/or with aid under the General Block Exemption Regulation¹⁰; in such a case, confirm that the provisions of the relevant Regulations will be respected;

⁴ As defined in Annex I of the General Block Exemption Regulation.

⁵ As defined in Article 2(18) of the Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 187 of 26.6.2014, p. 1.

⁶ As defined in Article 2(14) of the Commission Regulation (EU) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 193 of 1.7.2014, p.1.

⁷ As defined in Article 3(5) of the Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 369 of 24 December 2014, p. 37.

⁸ As defined in Annex I of the General Block Exemption Regulation.

⁹ Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352, 24.12.2013, p.1), Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application

- Confirm if aid granted under the different sections of TF COVID-19 may be cumulated with each other; in such a case, confirm that the relevant provisions in the specific sections of TF COVID-19 are respected;
- Confirm that SMEs are defined in line with Annex I of the relevant Block Exemption Regulation;
- Commit to comply with all the monitoring and reporting provisions in section 4 of the TF COVID-19:
 - The obligation to publish relevant information on each individual aid above EUR 100 000 granted under the measure and above EUR 10 000 in the primary agriculture and in the fisheries sectors on the comprehensive State aid website or Commission's IT tool within 12 months from the moment of granting¹¹;
 - To keep detailed records regarding the granting of aid for 10 years upon granting of the aid and commit to provide them to the Commission upon request. Such records must contain all information necessary to establish that the necessary conditions set out in the TF COVID-19 have been observed;
 - To submit annual reports in line with the requirements of the Commission Regulation (EC) No 794/2004¹²;
 - Where relevant, to provide to the Commission by 30 June 2021, a list of measures put in place on the basis of approved schemes under the TF COVID-19;
- Confirm that the notification does not contain confidential information. Otherwise, indicate the information from the notification that contains confidential information;
- If the scheme is co-financed by the European Regional Development Fund (ERDF), European Social Fund (ESF), Cohesion Fund (CF), European Agricultural Fund for Rural Development (EAFRD), European Maritime and Fisheries Fund (EMFF),

of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector (OJ L 352, 24.12.2013 p. 9), Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fishery and aquaculture sector (OJ L 190, 28.6.2014, p. 45) and Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest (OJ L 114 of 26.4.2012, p. 8).

¹⁰ Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

¹¹ Referring to information required in Annex III to Commission Regulation (EU) No. 651/2014 of 17 June 2014 and Annex III to Commission Regulation (EU) No 702/2014 and Annex III of the Commission Regulation (EU) No 1388/2014 of 16 December 2014. For repayable advances, guarantees, loans, subordinated debt and other forms of aid, the nominal value of the underlying instrument shall be inserted per beneficiary. For tax and payment advantages, the aid amount of the individual aid may be indicated in ranges.

¹² The Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty, OJ L 140, 30.4.2004, p. 1–134.

European Union Solidarity Fund (EUSF) or the Coronavirus Response Investment Initiative (CRII), please confirm that the rules applicable under these Funds will be respected;

- Please provide the language waiver in Annex I.

SECTION II: ADDITIONAL INFORMATION

POINT 13: FOR AID TO BE GRANTED UNDER SECTION 3.13 OF THE TF COVID-19: INVESTMENT SUPPORT TOWARDS A SUSTAINABLE RECOVERY

1. Confirm that the aid is granted on the basis of a scheme and that the maximum individual aid amount that may be granted per undertaking does not exceed 1% of the total budget available;
2. In case point (1) above cannot be confirmed because the scheme may cover exceptional situations, please provide the following:
 - 2.1. Explain why the ordinary approach pursuant to point 89a is not suitable to achieve the objective of the scheme.
 - 2.2. Demonstrate that the proposed alternative methodology leads to similar results as regards (i) the relative maximum aid available to each individual beneficiary (i.e. not more than 1% of the budget) and (ii) the number of potential beneficiaries under the scheme (at least 100).
 - 2.3. In case the assessment under (2) reveals that single beneficiaries can receive more than 1% of the total available budget and/or that less than 100 beneficiaries are expected to benefit from the scheme, please provide justification why a different scheme design is not possible or would otherwise not address the objective needs of the economy. This justification should include in line with 89c the following elements:
 - 2.3.1. *Justification for any limit to specific economic activities or type of aid granted. This should include (i) justification why eligibility is restricted and (ii) explain the number of potential beneficiaries, i.e. the number of undertakings in the specific Member State that fall under these criteria and may reasonably be expected to apply for support.*
 - 2.3.2. *Evidence that such limits are designed broadly and do not lead to an artificial limitation of eligible investments or potential beneficiaries that would result in targeting only a small number of undertakings.*
3. Describe the form of aid (e.g. direct grant, tax advantages, repayable advances, guarantees, loans, equity);
4. Describe the type of eligible costs under the national scheme and confirm that this respects the conditions of point 89(b) TF COVID-19;
5. Describe any possible limitations of eligibility of beneficiaries, for example in case the scheme is limited to specific sectors or economic activities;

6. Confirm that the aid is granted by 31.12.2022 at the latest;
7. Confirm that maximum aid intensities are limited in line with point 89(d) TF COVID-19;
8. Confirm that aid granted does not exceed EUR 10 million per undertaking in nominal terms or the maximum aid amount calculated in accordance with Article 14 of the General Block Exemption Regulation, with the exception of Article 14(14) of the General Block Exemption Regulation and based on the applicable regional aid map, increased by EUR 10 million in nominal terms;
9. In case point (8) above cannot be confirmed and aid is provided exclusively in form of guarantees or loans or similar repayable instruments: confirm that the maximum aid amount per beneficiary is limited to EUR 15 million and that all conditions under point 96 TF COVID 19 are respected;
10. Confirm that aid does not support activities in breach of the Do-No-Significant-Harm principle and explain on what basis this is established;
11. Confirm that aid may only be granted on the basis of a written application before works on the investment have started;
12. If the aid is channelled through credit institutions or other financial institutions, describe how it is ensured that the advantage is passed on to the final beneficiaries by the financial intermediaries (in particular in schemes in which guarantees are used for existing loans, please describe in more detail the safeguards put in place to ensure the interest rate adjustments is fully passed through);
13. If the aid is granted in the form of guarantees, confirm that the mobilisation of the guarantees is contractually linked to specific conditions, which have to be agreed between the parties when the guarantee is initially granted;
14. If the measure provides for the conversion of aid from one form into another, describe the respective forms of aid, the sections of the TF COVID-19 under which the measures to be converted have been authorised, the conditions and the timing of such conversion;

15. If the measure provides aid in form of tax advantages: confirm that the measure establishes a right to aid in accordance with objective criteria and without further exercise of discretion by the Member State; and that aid may only be granted if the measure has been adopted and is in force before works on the investment have started.

SECTION II: ADDITIONAL INFORMATION

POINT 2: FOR AID TO BE GRANTED UNDER SECTION 3.14 OF THE TF COVID-19: SOLVENCY SUPPORT

1. Confirm that the aid is granted via dedicated investment funds;
2. Confirm that the dedicated investment funds are selected in an open, transparent, and non-discriminatory procedure and that the remuneration of the managers of those funds are based on the performance of the entire portfolio of the fund;
3. Confirm that the dedicated investment funds are limited to investments into SMEs and small mid-caps¹³ as final beneficiaries;
4. Describe the type of financial instrument the dedicated investment funds may provide;
5. Confirm that investment are based on profit-driven investment decisions;
6. Describe if and in what way credit institutions may act as financial intermediaries in relation to the measure and confirm that appropriate risk sharing of at least 10% of the volume of securitised instruments is respected;
7. Describe the terms of the public guarantee provided for the investment fund in terms of: scope, downside protection/loss sharing, upside participation/profit sharing, remuneration and other parameters that may be relevant;

¹³ As defined in point 52 (xxvii) of the Guidelines on State aid to promote risk finance investments, OJ C 19, 22.1.2014, p. 4.

8. Confirm that the duration of the public guarantee does not exceed eight years;
9. Describe the contractual arrangements on the mobilisation of the guarantee (“guarantee events”) and provide a copy of the relevant legal arrangements if possible;
10. Confirm that the measure will mobilise additional new investments from private investors and explain how this is ensured;
11. Confirm that the funds are open to all investors on a non-discriminatory basis;
12. Explain in detail the possible return for the State and how it is linked to the risk assumed by the investment fund;
13. Confirm that the total amount of finance provided by the measure per final beneficiary (i.e. the maximum investment made by the fund into an individual investee) is limited to EUR 10 million;
14. Confirm that aid is not granted after 31 December 2023;
15. Confirm that beneficiaries that receive aid under section 3.11 TF COVID-19 are excluded as final beneficiaries from the measure.

Annex I - Language waiver

In order to speed up the processing of the notification, the below language waiver should be provided with the notification, on letterhead of the relevant authorities, dated and signed. Please clearly identify the measure(s) for which the language waiver is provided.

Due to the urgent need to adopt and notify a Decision in relation to the present notification relating to [brief description of the scheme subject to the notification], the [national: specify] government agrees exceptionally to waive its rights deriving from Art. 342 TFEU in conjunction with Art. 3 of the EC Regulation 1/1958 and to have the planned Decision adopted and notified pursuant to Article 297 of the Treaty in English language.