



EUROPEAN COMMISSION

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SENSITIVE*: *COMP Operations*

Subject: State Aid SA.111319 (2023/N) – Greece
TCTF: Subsidy scheme to non-household electricity consumers up to 35 kVA, operating as bakeries or on an agricultural tariff (reintroduction of scheme SA.103978, as amended by SA.106574)

Excellency,

1. PROCEDURE

- (1) By electronic notification of 22 December 2023, Greece notified the reintroduction of the following aid scheme (the ‘original aid scheme’), 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 case SA.103978 – *TCTF: Subsidy scheme to non-household electricity consumers up to 35 kVA, operating as bakeries or on an agricultural tariff* ⁽²⁾ (the ‘initial decision’) and amended in case SA.106574 – *TCTF: Subsidy scheme to non-household electricity consumers up to 35 kVA, operating as bakeries or 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) 7146 of 3 October 2022 (OJ C 396, 14.10.2022, p. 6).

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an agricultural tariff (amendments to SA.103978) ⁽³⁾ (the ‘amendment decision’), The original aid scheme, as amended, expired on 31 December 2023.

- (2) Greece 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 REINTRODUCTION AND AMENDMENTS

- (3) The objective of the original aid scheme, as amended, 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) Greece proposes to reintroduce the original aid scheme, as amended, as follows:
- (a) to set a new duration for the original aid scheme SA.103978, as amended by SA.106574, until 30 June 2024;
 - (b) to increase the overall maximum aid amount per undertaking that may be granted under the existing aid scheme SA.103978, as amended by SA.106574, from EUR 2 million to EUR 2.25 million, 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. All figures used must be gross, that is, before any deduction of tax or other charges.
- (5) Apart from the notified amendments, Greece confirms that no further amendments are proposed to the original aid scheme, as amended, and that all other conditions of the scheme remain unaltered.
- (6) The legal basis for the reintroduction of the scheme, for which a draft has been provided to the Commission, is the Joint Ministerial Decision amending the Joint Decision YIEN/ΔHE/152/4/02.01.2023 of the Ministers of Finance, Environment and Energy and Rural Development and Food on the “Granting of a subsidy from the Energy Transition Fund for the invoiced consumption of electricity for non-household electricity consumption with a capacity of up to 35 kVA, electricity consumers who have a main activity with activity code number (SMR) 10.71, and electricity consumers with agricultural use” (the ‘draft Joint Ministerial Decision’).
- (7) The Greek authorities have confirmed that no aid has been granted after 31 December 2023 and that no aid will be granted under the reintroduced aid scheme until the notification of the Commission’s decision approving the notified reintroduction and amendments.

⁽³⁾ Commission Decision C(2023) 3351 of 16 May 2023 (OJ C 212, 16.06.2023, p. 8).

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

3. ASSESSMENT

3.1. Lawfulness of the measure

- (8) By notifying the reintroduction of the aid scheme before putting it into effect, the Greek authorities have respected their obligations under Article 108(3) TFEU.

3.2. Existence of State aid

- (9) 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.
- (10) The original aid scheme, as amended, constitutes State aid within the meaning of Article 107(1) TFEU for the reasons set out in recitals (44) to (49) of the initial decision and recitals (29) and (30) of the amendment decision. The notified reintroduction and amendments do not affect that conclusion. The Commission therefore refers to the respective assessment of these decisions and concludes that the original aid scheme, as amended and reintroduced, constitutes State aid within the meaning of Article 107(1) TFEU.

3.3. Compatibility

- (11) The original aid scheme, as amended, is compatible with the internal market pursuant to Article 107(3), point (b) TFEU, since it meets the conditions of section 1 and section 2.1 of the Temporary Crisis and Transition Framework for the reasons set out in recitals (50) to (58) of the initial decision and recitals (31) to (40) of the amendment decision. The Commission therefore refers to the respective assessment of these decisions.
- (12) The notified amendments do not affect the conclusion that the original aid scheme, as previously amended and now reintroduced, is compatible with the internal market pursuant to Article 107(3), point (b) TFEU. In particular:
- (a) The aid under the original aid scheme, as amended and reintroduced, will be granted no later than 30 June 2024 (see recital (4)(a)). The notified amendment thus complies with point 61(c) of the Temporary Crisis and Transition Framework.
 - (b) The overall nominal value of the direct grants will not exceed EUR 2 250 000 per undertaking at any given point in time or EUR 280 000 per undertaking active in the primary production of agricultural products, or EUR 335 000 per undertaking active in the fishery and aquaculture sectors. All figures used must be gross, that is, before any deduction of tax or other charges. The notified amendment thus complies with points 61(a) and 62(a) of the Temporary Crisis and Transition Framework.
 - (c) 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, Greece 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 (see recital (4)(b)). 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 (see recital (4)(b)). The measure therefore complies with point 63 of the Temporary Crisis and Transition Framework.

- (13) Apart from the notified amendments, Greece confirms that no further amendments are proposed to the original scheme, as amended, and that all other conditions of that scheme remain unaltered.
- (14) The Commission therefore considers that the notified amendments do not alter the Commission's conclusion on the compatibility of the original aid scheme in the initial decision and of its amendments in the amendment decision. The Commission therefore considers that the notified reintroduction and 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 it meets 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 reintroduction of the original aid scheme, as it has been 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

