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SENSITIVE*: *COMP Operations*

Subject: State Aid SA.103978 (2022/N) – Greece
TCF: Subsidy Scheme to non-household electricity consumers up to 35 kVA, operating as bakeries or on an agricultural tariff

Excellency,

1. PROCEDURE

- (1) By electronic notification of 4 August 2022, the Hellenic Republic (“Greece”) notified aid in the form of limited amounts of aid (the Subsidy Scheme to non-household electricity consumers on variable supply tariffs: (i) with power supplies up to 35 kVA¹; or (ii) who operate as bakeries or (iii) on the agricultural tariff²; the “measure”) under the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (the “Temporary Crisis Framework”)³.

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¹ kilovolt-ampere (kVa) is a measure of apparent power, namely the total amount of power in use in a system. In a 100% efficient system 1 kilowatt equals 1 kVA. Since electrical systems are never 100% efficient, not all of the systems apparent power is used for useful work output.

² The agricultural tariff is provided exclusively to agricultural undertakings which contribute in any way to the production of primary plant and animal products, in accordance with the provisions of Joint Ministerial Decision 142196/10.11.87 on ‘Agricultural electrification measures’.

³ Communication from the Commission on the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (OJ C 131 I, 24.3.2022, p. 1), as amended by Commission Communication C/2022/5342 (OJ C 280, 21.7.2022, p. 1).

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- (2) The Commission services requested additional information by email dated 1 September 2022. The Greek authorities replied to this request by email dated 12 September 2022. A teleconference was held between the Commission services and the Greek authorities on 16 September 2022. The Commission services requested information on outstanding issues by email dated 21 September 2022. Further exchanges regarding modifications to the scheme took place on 26 September 2022 and on 30 September 2022.
- (3) 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 1/1958⁴ and to have this Decision adopted and notified in English.

2. DESCRIPTION OF THE MEASURE

- (4) Greece considers that the Russian aggression against Ukraine, the sanctions imposed by the European Union (EU) and its international partners and the counter-measures taken by Russia (“the current crisis”) so far create a serious disturbance to the real economy.
- (5) The current crisis has created significant economic uncertainties, disrupted trade flows and supply chains and led to exceptionally large and unexpected price increases, especially in natural gas and electricity, but also in numerous other input and raw materials and primary goods, including in the agri-food sector. Electricity as a basic good is essential for the functioning of the economy. The wholesale price of electricity has increased substantially, since the start of the Russian aggression against Ukraine, which has led to a sharp rise in business operating costs, in particular for those undertakings that have a contract on variable electricity tariffs, which fluctuate according to the wholesale price of electricity. Moreover, the increased inflation resulting from the Russian aggression against Ukraine has limited the purchasing power of households, which results in limited sales for businesses. The Greek authorities therefore consider that the adoption of an urgent compensatory measure is needed.
- (6) The objective is to support small professional consumers of electricity, because they are particularly vulnerable to the extreme increases in electricity prices. The number of small professional electricity consumers in Greece is high, but their individual consumption is small. Their activity is labour intensive, their business usually addresses a high price-elasticity market and their disposal of cash flow to hedge against price volatility is tiny or non-existent. Hence, small enterprises, usually with only a small number of employees, are very vulnerable, as they have no market power and only limited scope either to increase prices following an increase in electricity prices or scale down their activity levels, while remaining viable.
- (7) Greece considers that the factors outlined above mean that it is necessary to subsidise part of the increase in the retail price of electricity to final consumers for

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

non-household electricity consumers on variable supply tariffs (i) with power supplies up to 35 kVA or (ii) who operate as bakeries or (iii) on the agricultural tariff.

- (8) According to the Greek authorities, due to the limited budget, the Greek Government decided to provide support to undertakings operating as bakeries and on the agricultural tariff independently of their power supply, because these undertakings produce essential consumer goods and their exposure to high energy prices stemming from the current crisis has had a disproportionately large impact on consumers compared to other potential beneficiaries.
- (9) Thus, the measure aims 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.
- (10) Greece confirms that the aid under the measure 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.
- (11) The compatibility assessment of the measure is based on Article 107(3)(b) TFEU, in light of sections 1 and 2.1 of the Temporary Crisis Framework.

2.1. The nature and form of aid

- (12) The measure provides aid in the form of direct grants, namely a partial subsidy of the increase of the price of electricity in favour of non-household electricity consumers on variable supply tariffs (i) with power supplies up to 35 kVA or (ii) who operate as bakeries or (iii) on the agricultural tariff.

2.2. Legal basis

- (13) The legal basis for the measure is:
 - (a) Law 4839/2021 (Government Gazette A'181/2021), as currently in force, Article 61 of which provides for the establishment of the Energy Transition Fund⁵ (the “ETF”) and the granting of subsidies from the ETF to electricity and gas consumers.
 - (b) A draft Joint Ministerial Decision that provides for subsidies to all non-household electricity consumers with power supplies up to 35 kVA, who are contracted on variable electricity supply tariffs that are adjusted based on the wholesale electricity market price (“variable electricity supply tariffs”), electricity consumers regardless of the size of their power supply, operating as bakeries and having a main Activity Code Number (KAD)

⁵ The Energy Transition Fund was created in 2021 to provide electricity subsidies to households and small and medium-sized enterprises, heating fuel subsidies, and a range of other initiatives intended to help combat energy poverty.

10.71 (Αρτοποιία παραγωγή νωπών ειδών ζαχαροπλαστικής)⁶, who are contracted on variable electricity supply tariffs, as well as electricity consumers on the agricultural tariff regardless of the size of their power supply, who are contracted on variable electricity supply tariffs.

- (14) The Joint Ministerial Decision will enter into force on the date of its publication in the Government Gazette. The Greek authorities explained that the publication will take place after the notification of the Commission decision approving the measure. The measure will be in place until 31 December 2022.

2.3. Administration of the measure

- (15) The Renewable Energy Sources Operator & Guarantees of Origin (the “DAPEEP”) is responsible for administering the measure.
- (16) The DAPEEP is a 100% State-owned company and is under the supervision of the Greek Government, according to the provisions of Law 4270/2014, which regulates the drawing up and execution of DAPEEP’s budget. After the preparation of the DAPEEP’s budget, which requires approval from the Minister of Environment and Energy, the DAPEEP proceeds with its execution by submitting details of the financial statements and completing a monthly and annual report.

2.4. Budget and duration of the measure

- (17) The estimated budget of the measure is EUR 800 million.
- (18) The measure will be financed from the ETF, which is administered by the DAPEEP pursuant to Article 61 of Law 4839/2021. The fund is made up of the revenues resulting from auctions of greenhouse gas emissions rights under the EU Emissions Trading System⁷, the infra-marginal rents of the power producers, and revenues from the state budget.
- (19) The aid may be granted under the measure as from the publication of the Joint Ministerial Decision (see recital (13)) (which will only take place after notification of the Commission’s decision approving the measure (see recital (14))) until no later than 31 December 2022.

2.5. Beneficiaries

- (20) The final beneficiaries of the measure are non-household consumers of electricity active in Greece, who are affected by the current crisis (see recitals (6) to (8)), who have a contract on variable electricity supply tariffs and
- (a) whose power supply is no more than 35 kVA; or
 - (b) who operate as bakeries with main Activity Code Number (KAD) 10.71; or

⁶ Government Gazette 2149/B/2022

⁷ See Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.

- (c) who have an agricultural tariff.

Credit institutions or other financial institutions are excluded as eligible final beneficiaries.

- (21) Greece confirms that the aid under the measure is not granted to undertakings under sanctions adopted by the EU, including but not limited to: (i) persons, entities or bodies specifically named in the legal acts imposing those sanctions; (ii) undertakings owned or controlled by persons, entities or bodies targeted by sanctions adopted by the EU; or (iii) undertakings active in industries targeted by sanctions adopted by the EU, insofar as the aid would undermine the objectives of the relevant sanctions.
- (22) Greece confirms that the measure may not in any way be used to undermine the intended effects of sanctions imposed by the EU or its international partners and will be in full compliance with the anti-circumvention rules of the applicable regulations⁸. In particular, natural persons or entities subject to the sanctions will not benefit directly or indirectly from the measure.

2.6. Sectoral and regional scope of the measure

- (23) The measure is open to all beneficiaries eligible pursuant to recital (20) in all sectors except the financial sector. It applies to the whole territory of Greece.

2.7. Basic elements of the measure

- (24) Aid is granted to undertakings affected by the current crisis. According to Greece, small non-household electricity consumers are particularly vulnerable to sharp increases in electricity prices, because they lack sufficient market power to increase their prices without losing their market shares. Bakeries and consumers with agricultural tariffs have been heavily affected by the rise in input costs due to the current crisis, especially in relation to electricity prices, because energy costs represent a high proportion of their production costs. Greece considers that the negative effects of the current crisis on affected companies concerned by the measure have a wider impact on society, the economy and employment, due to the large number of these companies in the Greek economy and their involvement in the production of a large part of consumer goods, and to a large extent primary ones, such as the products offered by bakeries. In this context, the measure aims at reducing operating costs, thereby increasing liquidity and thus mitigating the negative economic impact of the current crisis on the beneficiaries.
- (25) The aid will be provided on top of the general subsidy (the “general subsidy”) that is already applicable to all non-household electricity consumers regardless of any consumption and/or supply limit, which is provided in the same time period, pursuant to Joint Ministerial Decisions, issued every month⁹.

⁸ For example, Article 12 of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1).

⁹ The respective Joint Ministerial Decisions that have been issued are the following:
YIEN/ΔHE/12477/435/09.02.2022 (Government Gazette 603/B/2022),
YIEN/ΔHE/23656/860/10.03.2022 (Government Gazette 1112/B/2022),
YIEN/ΔHE/32753/1242/04.04.2022 (Government Gazette 1670/B/2022), YIEN/Δ

- (26) The measure provides a subsidy to all non-household electricity consumers with power supplies up to 35 kVA, who are contracted on variable electricity supply tariffs that are adjusted based on the wholesale electricity market price (“variable electricity supply tariffs”), electricity consumers regardless of the size of their power supply, who operate as bakeries, who are contracted on variable electricity supply tariffs, as well as electricity consumers with agricultural tariff regardless of the size of their power supply, who are contracted on variable electricity supply tariffs.
- (27) The amount of aid to be paid out under the measure is calculated on a monthly basis in the period between 1 February 2022 and 31 December 2022.
- (28) The purpose of the measure is to subsidise a part of the additional costs imposed on electricity consumers by suppliers through the competitive component of the electricity bills, which represents the costs of the provision of the supply of electricity to consumers and fluctuates according to wholesale electricity prices. In order to determine the additional costs incurred by the beneficiaries in relation to the current crisis, the Greek authorities will use as the unit reference price the average price of the competitive component charged by different suppliers in a reference period covering the first semester of 2021, which has been determined as 120 EUR/MWh for non-household supplies up to 35 kVA and bakeries, and as 80 EUR/MWh for the agricultural sector (the “reference unit price”). Greece will cover a percentage of the unit increase of the abovementioned charges beyond the reference unit price. As set out in recital (25) above, some of this increase is covered by the general subsidy. The measure is provided on top of that general subsidy.
- (29) The Greek authorities explained that the methodology used for determining the unit subsidy (EUR/kWh) of the measure in the period from 1 February until 31 July 2022 is calculated based on a number of parameters including data on the total consumption of all electricity consumers, the clearance price in wholesale electricity market for the month preceding each eligible month, the available ETF revenues and the objective of covering up to a certain percentage of the additional electricity supply charges beyond the reference unit price, which are not covered by the general subsidy.
- (30) From 1 February until 31 July 2022, as is normally the case, the suppliers pass on price fluctuations on the wholesale market to the end consumer through a so-called adjustment clause in their electricity bills (the ‘adjustment clause’). For this period the measure will cover (on top of the general subsidy) the additional charges imposed on consumers beyond the reference unit price through the adjustment clause. According to the Greek authorities, the draft Joint Ministerial Decision setting out the conditions of the present measure stipulates that the combined unit subsidy of the present measure and the general subsidy cannot exceed 80% of the total increase in electricity charges for all consumers. For this period, this 80% limitation also applies to individual beneficiaries.
- (31) From 1 August until 31 December 2022, suppliers are no longer permitted to apply the adjustment clause in electricity bills linked to price fluctuations on the wholesale market. Instead, pursuant to Article 138 of Law 4951/22, each supplier

HE/55616/1961/01.06.2022 (Government Gazette 2759/B/2022), YIEN/Δ HE/67071/2331/29.06.2022 (Government Gazette 3375/B/2022), YIEN/ΔHE/82581/2775/08.08.2022 (Government Gazette 4248/B/2022).

announces on the 20th day of the month the retail electricity price for the following month. Accordingly, since the adjustment clause no longer applies during this period, Greece has developed a methodology to calculate the difference between the reference unit price and the increase in electricity charges (which counts as the eligible costs to be covered by both the general subsidy and the measure).

- (32) The methodology used for determining the unit subsidy applied from 1 August until 31 December 2022 is based on a number of parameters including a weighted average price of the electricity supply charges of the different suppliers, on forecasts for the total consumption of all consumers, the available ETF revenues and the objective of covering up to a certain percentage of the additional electricity supply charges beyond the reference unit price, which are not covered by the general subsidy. The Greek authorities explained that the combined unit subsidy of the present measure and the general subsidy cannot exceed 85% of the total increase in electricity charges for all consumers. In individual cases, for this period (unlike the previous period), however, beneficiaries may have up to 100% of the increase in electricity charges above the reference unit price covered through a combination of the general subsidy and the measure.
- (33) Given the need for specific measures to enhance energy savings, for the period after 1 October 2022, Greece will apply an additional condition to incentivise beneficiaries to reduce their consumption. In that regard, for non-household electricity consumers with power supplies up to 35 kVA, the measure (combined with the general subsidy) will cover up to 2 000 kWh per month; consumption over 2 000 kWh will be covered by the general subsidy alone. This condition will not apply to undertakings operating as bakeries and to undertakings on the agricultural tariff¹⁰. The resulting unit price (EUR/MWh) is applied to each eligible undertaking's actual energy consumption during the reference month.
- (34) No matter the methodology applied for calculating the unit subsidy, the aid for each undertaking may not exceed the amount of EUR 500 000 including any other aid received by the beneficiaries under the Temporary Crisis Framework and in particular its section 2.1.¹¹ For undertakings active in the primary production of agricultural products the aid for each undertaking may not exceed the amount of EUR 62 000 including any other aid received under the Temporary Crisis Framework and in particular its section 2.1. Similarly, for undertakings active in the fishery and aquaculture sectors the aid for each undertaking may not exceed the amount of EUR 75 000 including any other aid received under the Temporary Crisis Framework and in particular Section 2.1 thereof.
- (35) Where an undertaking is active in several sectors to which different maximum amounts apply in accordance with points 41 and 42 of the Temporary Crisis Framework, the Greek authorities confirm that the relevant ceiling for each of those activities is to be respected and that the overall maximum amount of EUR 500 000 per undertaking is not to be exceeded.
- (36) The Greek authorities confirm that where an undertaking is active in the processing and marketing of agricultural products, the aid is not being partly or entirely passed

¹⁰ This condition will be reassessed every month and it is not excluded that over the following months this consumption limit will be revised.

¹¹ All figures used must be gross, that is, before any deduction of tax or other charges.

on to primary producers and is not fixed on the basis of the price or quantity of products purchased from primary producers or put on the market by the undertakings concerned or purchased from primary producers.

- (37) For agricultural, fisheries and aquaculture sectors, the Greek authorities further confirm that:

(a) aid to undertakings active in the primary production of agricultural products is not fixed on the basis of the price or quantity of products put on the market or purchased from primary producers;

(b) aid to undertakings active in the fishery and aquaculture sector does not concern any of the categories of aid referred to in points (a) to (k) of Article 1(1) Commission Regulation (EU) No 717/2014¹²;

2.8. Cumulation

- (38) The Greek authorities confirm that the aid under the notified measure will not be cumulated with de minimis aid¹³ and/or with aid under the General Block Exemption Regulation¹⁴ or with aid under the Agricultural Block Exemption Regulation¹⁵ or with aid under the Fisheries Block Exemption Regulation^{6,16}
- (39) The Greek authorities confirm that aid under the measure will not be cumulated with aid under a measure approved by the Commission under the Temporary Framework for State aid measures to support the economy in the current COVID19 outbreak¹⁷.
- (40) The Greek authorities confirm that aid granted under the measure may not be cumulated with aid granted under other measures approved by the Commission

¹² 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 90, 28.6.2014, p. 45).

¹³ 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).

¹⁴ 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).

¹⁵ Commission Regulation (EC) 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 on the Functioning of the European Union (OJ L 193, 1.7.2014, p. 1).

¹⁶ 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).

¹⁷ Communication from the Commission - Temporary framework for State aid measures to support the economy in the current COVID-19 outbreak (OJ C 91I, 20.3.2020, p. 1), as amended by Commission Communications C(2020) 2215 (OJ C 112I, 4.4.2020, p. 1), C(2020) 3156 (OJ C 164, 13.5.2020, p. 3), C(2020) 4509 (OJ C 218, 2.7.2020, p. 3), C(2020) 7127 (OJ C 340I, 13.10.2020, p. 1), C(2021) 564 (OJ C 34, 1.2.2021, p. 6), and C(2021) 8442 (OJ C 473, 24.11.2021, p. 1).

under other sections of the Temporary Crisis Framework provided the provisions in those specific sections are respected.

- (41) The Greek authorities confirm that if the beneficiary receives aid on several occasions or in several forms under the measure or aid under other measures approved by the Commission under section 2.1 of the Temporary Crisis Framework, the overall maximum cap per undertaking, as set out in point(s) 41(a) and 42(a) of that framework, will be respected.

2.9. Monitoring and reporting

- (42) The Greek authorities confirm that they will respect the monitoring and reporting obligations laid down in section 3 of the Temporary Crisis Framework (including the obligation to publish relevant information on each individual aid above EUR 100 000 granted under the measure and EUR 10 000 in the primary agriculture and in the fisheries sectors on the comprehensive national State aid website or Commission's IT tool within 12 months from the moment of granting¹⁸).

3. ASSESSMENT

3.1. Lawfulness of the measure

- (43) By notifying the measure before putting it into effect, the Greek authorities have respected their obligations under Article 108(3) TFEU.

3.2. Existence of State aid

- (44) 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 affect trade between Member States.
- (45) The measure is imputable to the State, since it is administered by the Ministry of Environment and Energy with the DAPEEP being responsible for granting the aid and it is based on the Joint Ministerial Decision (recitals (13)(b) and (14)). It is financed through State resources, since it is financed by public funds (recital (18)).
- (46) The measure confers an advantage on its beneficiaries in the form of direct grants (recital (12)). The measure thus confers an advantage on those beneficiaries which they would not have had under normal market conditions.
- (47) The advantage granted by the measure is selective, since it is awarded only to certain undertakings affected by the current crisis, excluding those in the financial sector, specifically non-household electricity consumers on variable supply tariffs

¹⁸ Referring to information required in Annex III to Commission Regulation (EU) No 651/2014 and Annex III to Commission Regulation (EU) No 702/2014 and Annex III to Commission Regulation (EU) No 1388/2014.

(i) with power supplies up to 35 kVA on variable supply tariffs or (ii) which operate as bakeries or (iii) which receive the agricultural tariff, (recitals (6), (8) and (20)).

- (48) The measure is liable to distort competition, since it strengthens the competitive position of its beneficiaries. It also affects trade between Member States, since those beneficiaries are active in sectors in which intra-Union trade exists.
- (49) In view of the above, the Commission concludes that the measure constitutes aid within the meaning of Article 107(1) TFEU. The Greek authorities do not contest that conclusion.

3.3. Compatibility

- (50) Since the measure involves aid within the meaning of Article 107(1) TFEU, it is necessary to consider whether that measure is compatible with the internal market.
- (51) Pursuant to Article 107(3)(b) TFEU the Commission may declare compatible with the internal market aid “*to remedy a serious disturbance in the economy of a Member State*”.
- (52) By adopting the Temporary Crisis Framework on 23 March 2022, the Commission acknowledged (in section 1) that the military aggression against Ukraine by Russia, the sanctions imposed by the EU or its international partners and the counter measures taken, for example by Russia have created significant economic uncertainties, disrupted trade flows and supply chains and led to exceptionally large and unexpected price increases, especially in natural gas and electricity, but also in numerous other input and raw materials and primary goods, including in the agri-food sector. Those effects taken together have caused a serious disturbance of the economy in all Member States, including in the economy of Greece (recitals (4) and (5)). The Commission concluded that State aid is justified and can be declared compatible with the internal market on the basis of Article 107(3)(b) TFEU for a limited period if it serves 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, the sanctions imposed by the EU or by its international partners, as well as the economic counter measures taken so far, for example by Russia.
- (53) The measure aims at facilitating the access of undertakings to limited amounts of aid or liquidity support in the form of direct grants at a time when a wide range of economic sectors are affected, and the normal functioning of markets is severely disturbed leading to severe disturbances of the real economy of Member States, including in the economy of Greece. The measure is one of a series of measures conceived at national level by the Greek authorities to remedy a serious disturbance in their economy. The importance of the measure to compensate for the severe increase in natural gas and electricity prices is widely accepted by economic commentators and the measure is of a scale which can be reasonably anticipated to produce effects across the entire Greek economy. Furthermore, the measure has been designed to meet the requirements of a specific category of aid (“*Aid in the form of limited amounts of aid*”) described in section 2.1 of the Temporary Crisis Framework.
- (54) The Commission accordingly considers that the measure is necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a Member

State and meets all the relevant conditions of the Temporary Crisis Framework. In particular:

- The aid takes the form of direct grants (recital (12)).
- The overall nominal value of the direct grants will not exceed EUR 500 000 per undertaking; all figures used must be gross, that is, before any deduction of tax or other charges (recital (34)). The measure therefore complies with point 41(a) of the Temporary Crisis Framework.
- Aid is granted under the measure on the basis of a scheme with an estimated budget as indicated in recital (17). The measure therefore complies with point 41(b) of the Temporary Crisis Framework.
- Aid will be granted under the measure no later than 31 December 2022 (recital (19)). The measure therefore complies with point 41(c) of the Temporary Crisis Framework.
- Aid will be granted only to undertakings affected by the current crisis (recitals (6), (8) and (20)). The measure therefore complies with point 41(d) of the Temporary Crisis Framework.
- Aid granted to undertakings active in the processing and marketing of agricultural products is conditional on not being partly or entirely passed on to primary producers (recital (36)). The measure therefore complies with point 41(e) of the Temporary Framework.
- The overall nominal value of the direct grants does not exceed EUR 62 000 per undertaking active in the primary production of agricultural products and EUR 75 000 per undertaking active in the fishery and aquaculture sectors (recital (34)). The measure therefore complies with point 42(a) of the Temporary Crisis Framework.
- Aid granted to undertakings active in the primary production of agricultural products must not be fixed on the basis of the price or quantity of products put on the market (recital (37)(a)). The measure therefore complies with point 42(b) of the Temporary Crisis Framework.
- Aid granted to undertakings active in the fishery and aquaculture sector does not concern any of the categories of aid referred to in points (a) to (k) of Article 1(1) Commission Regulation (EU) No 717/2014 (recital (37)(b)). The measure therefore complies with point 42(c) of the Temporary Crisis Framework.
- Where an undertaking is active in several sectors to which different maximum aid amounts apply in accordance with points 41(a) and 42(a) of the Temporary Crisis Framework, Greece will ensure, by appropriate means such as separation of accounts or the obligation imposed on every service to inform and provide with relevant data the State Aid Accumulation Service of the Ministry of Development and Investment, which subsequently shall conduct controls, that the relevant ceiling is respected for each of those activities and that the overall maximum amount of

EUR 500 000 is not exceeded per undertaking. Where an undertaking is active in the sectors covered by point 42(a) of the Temporary Framework, the overall maximum amount of EUR 62 000 per undertaking active in the primary production of agricultural products and EUR 75 000 per undertaking active in the fishery and aquaculture sectors is not exceeded (recital (35)). The measure therefore complies with point 43 of the Temporary Crisis Framework.

- (55) The Greek authorities confirm that, pursuant to point 32 of the Temporary Crisis Framework, the aid under the measure 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 (recital (10)).
- (56) The Greek authorities confirm that, pursuant to point 33 of the Temporary Crisis Framework, the aid under the measure will not be granted to undertakings under sanctions adopted by the EU, including but not limited to: a) persons, entities or bodies specifically named in the legal acts imposing those sanctions; b) undertakings owned or controlled by persons, entities or bodies targeted by sanctions adopted by the EU; or c) undertakings active in industries targeted by sanctions adopted by the EU, insofar as the aid would undermine the objectives of the relevant sanctions (recital (21)).
- (57) The Greek authorities confirm that the monitoring and reporting rules laid down in section 3 of the Temporary Crisis Framework will be respected (recital (42)). The Greek authorities confirmed that the aid under the measure cannot be cumulated with aid under other sections of the Temporary Crisis Framework, with aid under COVID-19 Temporary Framework or with aid under other relevant Regulations (recitals (38) to (41)). The Greek authorities confirm that if the beneficiary receives aid on several occasions or in several forms under the measure or aid under other measures approved by the Commission under section 2.1 of the Temporary Crisis Framework, the overall maximum cap per undertaking, as set out in point(s) 41(a) and 42(a) of that framework, will be respected (recital (41)).
- (58) The Commission therefore considers that the measure is necessary, appropriate and proportionate to remedy a serious disturbance in the economy of a Member State pursuant to Article 107(3)(b) TFEU since it meets all the relevant conditions of the Temporary Crisis Framework.

4. CONCLUSION

The Commission has accordingly decided not to raise objections to the aid on the grounds that it is compatible with the internal market pursuant to Article 107(3)(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

