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PUBLIC VERSION

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**Subject: State Aid SA.59798 (2020/N) – Romania**  
**COVID-19: Amendment to the existing aid scheme SA.57408**

Excellency,

**1. PROCEDURE**

- (1) By electronic notification of 30 November 2020, Romania notified an amendment to the existing aid scheme SA.57408 - *COVID-19: Framework scheme for State aid in the form of subsidised loans and guarantees on loans* (“the existing aid scheme”), which the Commission approved by Decision of 1 July 2020<sup>1</sup> (“the initial decision”) in light of the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak (“the Temporary Framework”)<sup>2</sup>:

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<sup>1</sup> Commission Decision C(2020) 4565 final, SA.57408, of 1 July 2020.

<sup>2</sup> 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 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, by 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, by 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, 2.7.2020, p. 3. and by 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.

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- (2) Romania 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>3</sup> and to have this Decision adopted and notified in English.

## **2. DESCRIPTION OF THE NOTIFIED AMENDMENT**

- (3) On 13 October 2020, the Commission adopted a Communication<sup>4</sup> prolonging until 30 June 2021 the validity of the Temporary Framework, which would otherwise expire at the end of 2020.
- (4) Following the prolongation of the Temporary Framework, the Romanian authorities wish to extend the duration of the existing aid scheme until 30 June 2021, with the effect that aid under that scheme can be granted until 30 June 2021 at the latest. In particular, guarantees will be granted by 30 June 2021 at the latest and loan contracts will be signed by 30 June 2021 at the latest.
- (5) All the other conditions of the existing aid scheme remain unchanged.

## **3. ASSESSMENT**

### **3.1. Lawfulness of the measure**

- (6) By notifying the amendment to the existing aid scheme before putting it into effect, the Romanian authorities have respected their obligation under Article 108(3) of the TFEU.

### **3.2. Existence of State aid**

- (7) For a measure to be categorised as aid within the meaning of Article 107(1) of the 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.
- (8) The existing aid measure concerned constitutes State aid in the meaning of Article 107(1) of the TFEU for the reasons set out in the initial decision<sup>5</sup> described under recital (1). The proposed amendment does not alter that conclusion. The Commission therefore refers to the respective assessment of the aforementioned decision and concludes that the existing aid scheme as modified constitutes State aid in the meaning of Article 107 (1) of the TFEU.

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<sup>3</sup> Regulation No 1 determining the languages to be used by the European Economic Community, OJ 17, 6.10.1958, p. 385.

<sup>4</sup> 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.

<sup>5</sup> Recitals 43-48 of the initial decision.

### **3.3. Compatibility**

- (9) The Commission assessed the existing aid scheme on the basis of Article 107(3)(b) of the TFEU, as interpreted by Sections 2, 3.2, 3.3 and 3.4 of the Temporary Framework and concluded that it was compliant with the compatibility conditions set out in that Framework.
- (10) As for the extension of the scheme until 30 June 2021, the Commission observes that this is in line with the current version of the Temporary Framework.
- (11) The Commission has examined the notified amendment and concludes that it does not alter the Commission's conclusions on the compatibility of the existing aid scheme as set out in the initial decision. The Commission thus refers to its analysis of compatibility as set out in the initial decision.<sup>6</sup>
- (12) Apart from the amendment referred to in recital (4), the Commission notes that there are no other alterations to the existing aid scheme.
- (13) In view of the above, the Commission considers that the notified amendment meets the conditions of the Temporary Framework and does not alter the conclusions on the compatibility of the existing aid scheme.

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<sup>6</sup> Recitals 49-56 of the initial decision.

#### 4. CONCLUSION

The Commission has accordingly decided not to raise objections to the notified amendment to the existing scheme on the grounds that it is compatible with the internal market pursuant to Article 107(3)(b) of the TFEU.

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>

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Yours faithfully,

For the Commission

Margrethe VESTAGER  
Executive Vice-President

