



EUROPEAN COMMISSION

Brussels, 12.9.2024
C(2024) 6336 final

PUBLIC VERSION

This document is made available for
information purposes only.

**Subject: State Aid SA.114811 (2024/NN) – Italy
TCTF: Aid to undertakings performing own-account road haulage
transport of goods – amendment to SA.110570 (previous re-introduction
of SA.108573)**

Excellency,

1. PROCEDURE

- (1) By electronic notification of 28 June 2024, Italy notified an amendment (the ‘notified amendment’ or the ‘measure’) to the expired aid scheme SA.110570 (2023/N) - *TCTF: Aid to undertakings performing own-account road haulage transport of goods (re-introduction of SA.108573)* ⁽¹⁾ (the ‘scheme’), which the Commission approved until 30 June 2024 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’) ⁽²⁾ by decision of 22 January 2024 (the ‘re-introduction decision’).

⁽¹⁾ Commission Decision C(2024) 466 final of 22 January 2024 in case SA.110570 (2023/N) – Italy – TCTF: Aid to undertakings performing own-account road haulage transport of goods, OJ C 1220, 1.2.2024, p.1.

⁽²⁾ 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>). The Temporary Crisis and Transition Framework

Onorevole Antonio Tajani
Ministro degli Affari esteri e della Cooperazione Internazionale
Piazzale della Farnesina, 1
00135 Roma
ITALIA

- (2) The scheme was a re-introduction of aid scheme SA.108573 (2023/N) – *TCTF: Aid to undertakings performing own-account road haulage transport of goods* ⁽³⁾ (the ‘initial scheme’), which the Commission approved until 31 December 2023 by decision of 7 September 2023 (the ‘initial decision’).
- (3) The Commission requested additional information about the measure by e-mails of 3 and 15 July 2024, which the Italian authorities provided on the same days.
- (4) 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 AMENDMENT

- (5) The initial scheme pursued the objective of remedying 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.
- (6) The re-introduction decision expanded the scope of the initial scheme by allowing the granting of State aid to eligible companies in the form of tax credits amounting to a maximum of 12 % of the amount spent on diesel (net of Value Added Tax) during the month of July 2022.
- (7) With the notified amendment, Italy increased the maximum aid amount per beneficiary to EUR 2.25 million. That increase did not apply to undertakings active in the primary production of agricultural products, or in fishery and the aquaculture sectors. The Italian authorities have explained that the additional aid per beneficiary had been granted on 28 June 2024 (i.e., before the expiration of the scheme on 30 June 2024), without prior authorisation from the Commission.
- (8) Italy confirms that no other amendments were introduced to the scheme, and that all other conditions of the scheme remained unaltered.
- (9) The legal bases of the measure are Article 14 paragraph 1 (a) of Decree Law 144/2022, as amended by Article 1, paragraph 296 of Law 213/2023, and Decree No 326 of the Ministry of Infrastructure and Transport of 28 June 2024.

replaced the Temporary Crisis Framework adopted on 28 October 2022 (OJ C 426, 9.11.2022, p. 1), (‘Temporary Crisis Framework’), which had already replaced the previous Temporary Crisis Framework adopted on 23 March 2022 (OJ C 131I, 24.3.2022, p. 1), as amended on 20 July 2022 (OJ C 280, 21.7.2022, p. 1). The Temporary Crisis Framework was withdrawn with effect from 9 March 2023.

- ⁽³⁾ Commission Decision C(2023) 6096 final of 7 September 2023 in case SA.108573 (2023/N) – Italy – TCF: Aid to undertakings performing own-account road haulage transport of goods, OJ C 336, 22.9.2023, p.1.
- ⁽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

- (10) The Commission notes that the measure has been put into effect before it was notified, and thus without a prior formal approval by the Commission (recital (7)). Therefore, the Commission concludes that the measure was implemented by Italy in breach of its obligations under Article 108(3) TFEU and constitutes unlawful aid.

3.2. Existence of State aid

- (11) 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.
- (12) The initial scheme constituted State aid within the meaning of Article 107(1) TFEU for the reasons set out in recitals (43) to (48) of the initial decision. That assessment was confirmed in recital (13) of the re-introduction decision. The notified amendment does not affect that conclusion. The Commission therefore refers to the respective assessments in those two decisions, and concludes that the scheme, as amended, constitutes State aid within the meaning of Article 107(1) TFEU.

3.3. Compatibility

- (13) The initial aid scheme was compatible with the internal market pursuant to Article 107(3), point (b), TFEU, since it met the conditions of section 1 and section 2.1 of the Temporary Crisis and Transition Framework for the reasons set out in recitals (49) to (62) of the initial decision. That assessment was confirmed in recitals (14) to (17) of the re-introduction decision. The Commission therefore refers to the respective assessments in those two decisions.
- (14) As regards the notified amendment, Italy has explained that the additional aid per beneficiary up to EUR 2.25 million was granted before the expiry of the scheme on 30 June 2024 (which corresponds to the expiry of section 2.1 of the TCTF). moreover, the maximum amount aid per beneficiary under the scheme as amended, i.e., EUR 2.25 million, corresponds to the maximum amount of aid per beneficiary allowed under point (61)(a) of the TCTF. On this basis, the scheme, as amended, remains compatible with the internal market pursuant to Article 107(3), point (b), TFEU.
- (15) Italy confirms that no other amendments to the re-introduced scheme were introduced, and that all other conditions of the scheme remained unaltered (recital (8)).
- (16) The Commission therefore considers that the re-introduced scheme, as amended, 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 it meets all the relevant conditions of the Temporary Crisis and Transition

Framework. The Commission therefore considers that the notified amendment did not alter the Commission's conclusion on the compatibility of the aid scheme in the initial decision and in the re-introduction decision.

4. CONCLUSION

The Commission regrets that Italy put the measure into effect, in breach of Article 108(3) of the Treaty on the Functioning of the European Union.

However, it has decided not to raise objections to the aid 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

