

Advanced EU Competition Law, Digital Edition

# State aid & COVID-19: Responses to the Crisis

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## *Competition Law in the Age of COVID-19 Pandemic Pre-Conference Focus Day*

### **State Aid & COVID-19**

- **Matina Haralampopoulou**

- Director of Central State Aid Unit, General Secretariat of Economic Policy, Ministry of Finance, Greece

- **Zoltán Bartucz**

- Head of Unit, Hungarian State Aid Monitoring Office

- Moderated by **Jacques Derenne**

- Sheppard Mullin - Liège University & Brussels School of Competition, GCLC (College of Europe)

- Agenda

- Quick reminder of legal background
- The evolving scope of State aid Temporary Framework (“TF”)
- Procedural points
- Article 107 (2) (b) TFEU (“exceptional occurrence”)
- Article 107 (3) (b) TFEU (TF)
- EU litigation
- General measures

## Quick reminder of legal background (as at 6 Sept 2020)

Article 107(2) b)	Temporary Framework	Article 107(3) b)	Article 107(3) c)
25 decisions	251 decisions	14 decisions	2 decisions
No discretion	Discretion		
Past (compensation)	Future (no compensation)		
Detailed financial data - damage - direct causal link	Limited data to no financial data - TF conditions - otherwise, treaty rules		
Can be cumulated			
Cash needed in principle	Less cash needed (loans, guarantee schemes)	Cash needed	

No formal investigation procedure initiated since March 2020 (Covid-19 related measures)

EU litigation: 6 actions for annulment of decisions, all lodged by Ryanair

- T-465/20, 14.8.20, decision 10.6.2020, SA.57369 – Portugal – TAP (107(3)c))
- T-388/20, 24.7.20, decision 18.5.2020, SA.56809 – Finland - Loan guarantee Finnair (107(3)b))
- T-379/20, 17.7.20, decision 24.4.2020, SA.57061 - Sweden – Compensation to SAS (107(2)b))
- T-378/20, 17.7.20, decision 15.4.2020, SA.56795 - Denmark – Compensation to SAS (107(2)b))
- T-259/20, 12.6.20, decision 31.3.2020, SA.56765 – France – Compensation airport taxes (107(2)b))
- T-238/20, 5.6.2020, decision 11.4.2020, SA.56812 - Sweden - Loan guarantee scheme to airlines (107(3)b))

**Thank you for your attention!**

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