



LIETUVOS NUOLATINĖ ATSTOVYBĖ EUROPOS SĄJUNGOJE

Konkurencijos tarybai
Vienuolio g. 8
LT-01104 Vilnius
Lietuva

2009-11-16 Nr. *BE2 2-1144*

I Nr.



LIETUVOS
TŪKSTANTMETIS

DĖL EUROPOS BENDRIJŲ KOMISIJOS SPRENDIMO DĖL VALSTYBĖS PAGALBOS PERSIUNTIMO

Siunčiame Jums Europos Komisijos Generalinio sekretoriato sprendimą dėl Valstybės Pagalbos Nr. N 523/2009 - Lietuva.

PRIDEDAMA: 5 lapai.

Pagarbiai,

Įgaliotasis ministras, Lietuvos nuolatinio
atstovo ES pavaduotojas

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EUROPOS KOMISIJA

GENERALINIS SEKRETORIATAS

Lietuvos nuolatinė atstovybė
Europos Sąjungoje

2009 -11- 16

Gaun. rašto Nr. *BERL 1-2869*

Briuselis, 16 XI 2009
SG-Greffe (2009) D/

8912

LIETUVOS RESPUBLIKOS NUOLATINEI
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Dėl: Valstybės Pagalbos Nr. N 523/2009 - Lietuva

Generalinis sekretoriatas maloniai Jūsų prašo prie šio lydraščio pridėdamą Komisijos sprendimą, kurio tema nurodyta aukščiau, perduoti Užsienio reikalų ministrui.

Generalinės sekretorės vardu,

Karl Von Kempis

Karl VON KEMPIS

Priedai: C(2009)9026



EUROPEAN COMMISSION

Brussels, 13.11.2009
C(2009)9026

**Subject: State aid N 523/2009 – Lithuania
Amendment to the Temporary Framework measure "Limited
amounts of compatible aid" (N 272/2009)**

Sir,

1. PROCEDURE

- (1) By electronic notification of 16 September 2009 Lithuania notified an amendment to the existing scheme "State aid N 272/2009 – Lithuania – Measure "Limited amounts of compatible aid in the form of guarantees to credit institutions for loans taken by SMEs and large enterprises during the financial and economic crisis". Additional information was required by the Commission on 5 October 2009 (D/54175). By letter dated 28 October 2009 (A/22816) the Lithuanian authorities submitted the requested information. The existing scheme had been approved by the Commission on 8 June 2009 (N 272/2009).¹

2. DESCRIPTION OF THE AMENDMENT

- (2) Through the existing aid scheme (N 272/2009) the Lithuanian authorities may grant guarantees to credit institutions for loans taken by SMEs and large enterprises. The new notification aims at extending the scope of application of the scheme in order to include two measures (measure on diversification into non-agricultural activities and measure on support for business creation and development), which are integrated in the Rural Development Programme for Lithuania 2007-2013. These measures are designed to encourage small, alternative, non-agricultural businesses in rural areas.

¹ OJ C 148, 30 June 2009, p.3.

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- (3) The notified amendment concerns in particular the stipulations on the form of the aid, the legal base for the scheme on national level, the administration of the scheme and the budget. Firstly, since the aid provided on the basis of the Rural Development Programme shall be granted in the form of direct grants, the Lithuanian authorities request to insert direct grants as an allowable form of aid under the scheme. Secondly, the Lithuanian Rural Development Programme 2007-2013 including the national implementing rules (regarding its measures on diversification into non-agricultural activities and on support for business creation and development) should be added as additional legal basis of the scheme. Thirdly, the notified amendment foresees that the Ministry of Agriculture of the Republic of Lithuania will be mentioned as authority in charge of implementing the new part of the amended aid scheme. Finally, an increase of the estimated total budget of the scheme is requested. For the implementation of the new measures an additional amount of LTL 195 808 974 should be added to the initial overall budget of LTL 150 000 000.
- (4) The Lithuanian authorities provided extensive information on the ongoing negative effects of the financial and economic crisis on the Lithuanian economy. According to information of the Department of Statistics under the Government of the Republic of Lithuania especially the number of microenterprises in rural areas is strongly diminishing. Since banking institutions have introduced more stringent credit terms and increased interest rates especially the lower income levels in rural areas are facing acute economic difficulties, which according to the Lithuanian authorities result in an urgent need for aid for the concerned undertakings.
- (5) The Lithuanian authorities confirm that under the modified aid scheme no aid will be granted for the primary production, processing and marketing of agricultural products. In particular, all projects will be monitored in that respect during a period of at least five years.
- (6) All other elements of the approved scheme remain unchanged.
- (7) The Lithuanian authorities confirm that the monitoring and reporting obligations laid down in Section 6 of the Temporary Framework² will be respected.
- (8) The Lithuanian authorities confirm also that the notification does not contain business secrets.
- (9) The Lithuanian authorities confirm further that, in view of the urgency of the measure, they exceptionally accept that the Commission decision is adopted in the English language.

² Communication from the Commission – Temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis, adopted and entered into force on 17 December 2008, OJ C 16, 22 February 2009, p.1; as amended by Communication from the Commission of 25 February, OJ C 83, 7 April 2009, p.1.; as further amended by Communication from the Commission of 28 October 2009 C(2009) 8462, OJ C 26, 31 October 2009, p.2.

3. ASSESSMENT

- (10) The Commission approved the scheme "State aid N 272/2009 – Lithuania – Measure "Limited amounts of compatible aid in the form of guarantees to credit institutions for loans taken by SMEs and large enterprises during the financial and economic crisis" on 8 June 2009. The Commission considered that the scheme is in conformity with the Temporary Framework and with the Treaty on the basis of Article 87(3)(b).
- (11) The Commission considers that the modification of the scheme does not alter such assessment. The amended scheme is designed to meet the requirements of the additional category of aid ("compatible limited amount of aid") described in section 4.2.2. of the Temporary Framework. The amended scheme meets all the conditions of the Framework: In particular,
- The maximum aid amount will not exceed the cash equivalent of EUR 500,000 (in line with point 4.2.2. (a) of the Temporary Framework);
 - The measure is granted through an aid scheme (in line with point 4.2.2. (b) of the Temporary Framework);
 - Firms in difficulty (situation of 1.7.2008) are excluded from eligibility under the scheme (in line with point 4.2.2. (c) of the Temporary Framework);
 - Firms active in the fisheries sector are excluded from the scope of this measure (in line with point 4.2.2. (d) of the Temporary Framework);
 - Export aid and aid favouring domestic over imported goods and services are excluded (in line with point 4.2.2. (e) of the Temporary Framework);
 - Aid may be granted until 31.12.2010 (in line with point 4.2.2. (f) of the Temporary Framework);
 - The cumulation rules with *de minimis* aid and aid for other purposes are respected (in line with points 4.2.2.(g) and 4.7. of the Temporary Framework);
 - Particularly, - as have been expressly confirmed by the Lithuanian authorities - the provisions of Paragraph 4.2.2 (h) of the Temporary Framework regarding the conditions on aid to undertakings active in the primary production, the processing and marketing of agricultural products will be respected.
 - The monitoring and reporting rules laid down in section 6 of the Temporary Framework will be respected.

Given that all other aspects of the scheme remain the same, the Commission assessment in case N 272/2009 remains valid.

- (12) For these reasons, the Commission considers that the notified measure is in conformity with the Temporary Framework and considers it to be compatible with the Treaty on the basis of Article 87(3)(b). The Commission notes that the notification does not contain business secrets, and that Lithuania has agreed that the decision be adopted in English as its authentic language.

4. DECISION

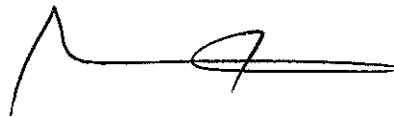
(13) The Commission has accordingly decided

- to consider the notified aid scheme as compatible with the EC Treaty under Article 87(3)(b).

(14) The Commission reminds the Lithuanian authorities to transmit the concrete implementing rules as soon as possible after the approval of the notified aid.

Yours faithfully,

For the Commission

A handwritten signature in black ink, consisting of a large, stylized initial 'N' followed by a horizontal line and a small loop at the end.

Neelie KROES
Member of the Commission