A&L Goodbody Coronavirus State aid and COVID-19 The European Commission has been extremely active in approving State aid measures notified to it by EU Member States in response to the COVID-19 crisis. The first State aid decision responding to the COVID-19 outbreak was approved by the 1,00.00 Commission on 12 March 2020 - with a 24-hour turnaround. Since then, the Commission has, as at 10 July, issued 206 approval decisions, covering the 27 remaining EU Member States and the UK (which is subject to the EU State aid regime until 31 December 2020 because of the Withdrawal Agreement despite having left the EU on 31 January 2020). There are four decisions relating to Ireland. The Repayable Advance Scheme described in the first Irish decision has more recently been replaced by a €200m Sustaining Enterprise Scheme to support affected businesses operating in the manufacturing and/or internationally traded services sectors. A €250m Irish scheme to support affected micro and small companies in restarting their activities and a €200m Irish scheme to support research and development, testing and production of coronavirus-relevant products have also been approved. The vast majority of measures (86%) have been approved under the special COVID-19 Temporary Framework adopted by the Commission on 19 March (as amended on 3 April, 8 May and 29 June). The Temporary Framework is based on Article 107(3)(b) of the Treaty on the Functioning of the European Union and recognises that the entire EU economy is experiencing a serious disturbance. You will find a full range of timely



materials for businesses in our dedicated **COVID-19 HUB** on our website.



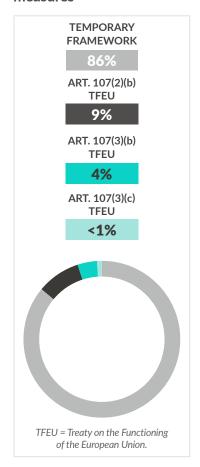
Statistics (as at 10 July 2020)

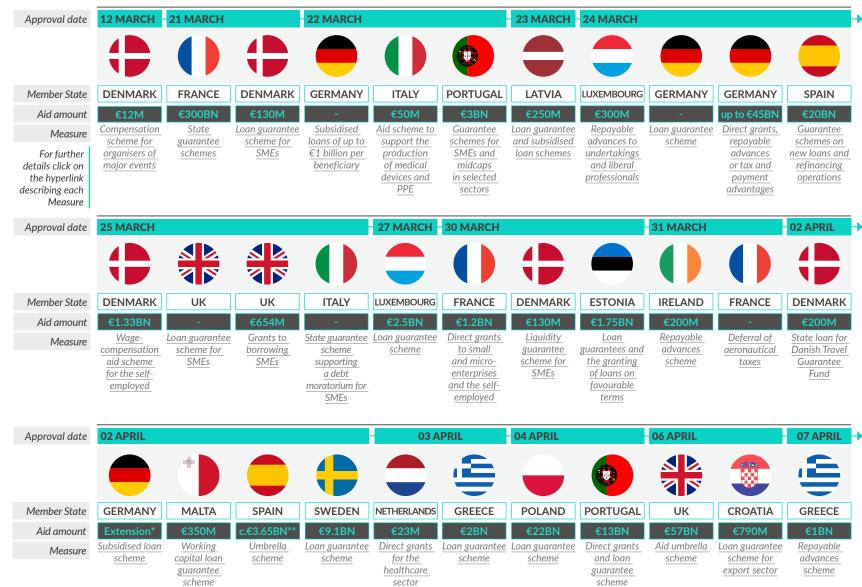
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Percentage of aid decisions attributable to each applicant Member State and the UK (as at 10 July 2020)



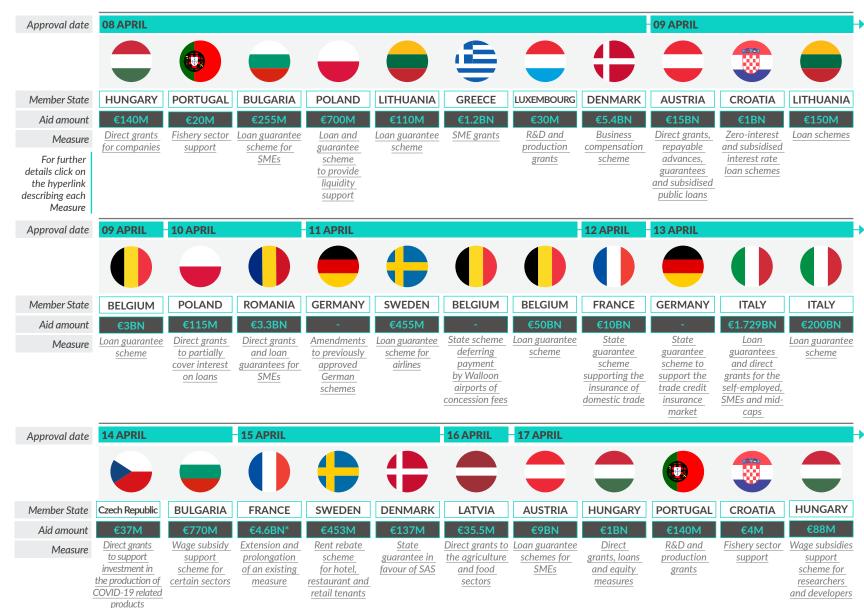
Basis for approved aid measures





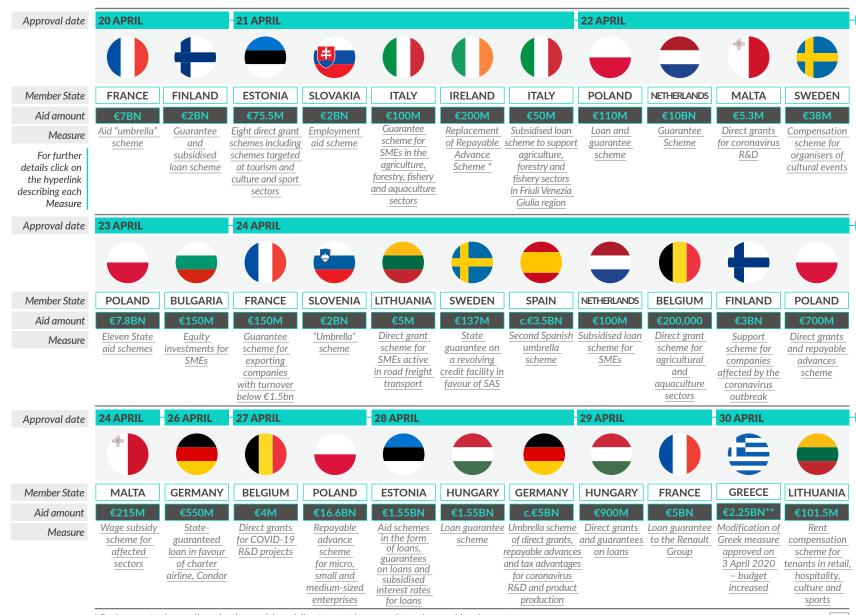
^{*}Extension of existing measures **for certain of the measures





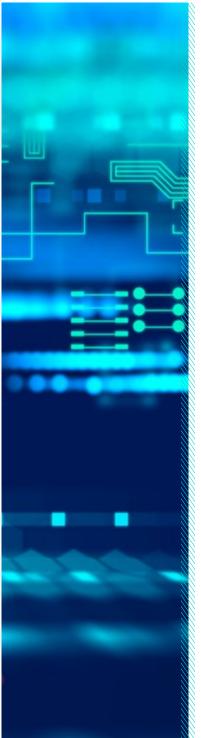
^{*€1.7} billion (March)/ €2.9 billion (April)





 $^{^{}st}$ Replacement scheme allows for the provision of direct grants, loans, equity and repayable advances to businesses operating in the manufacturing and/or internationally traded services sectors.

^{**}Budget increased to €2.25 billion



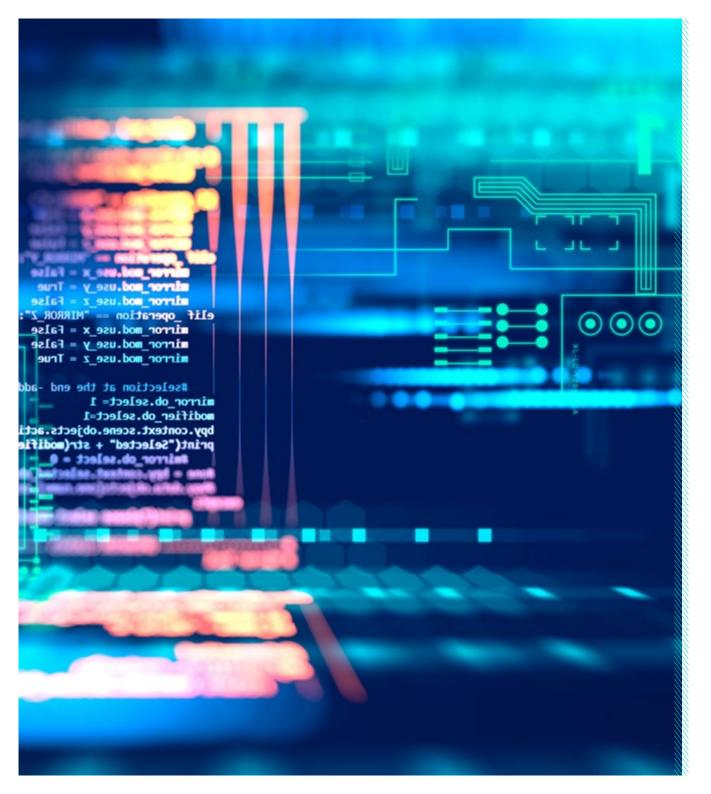








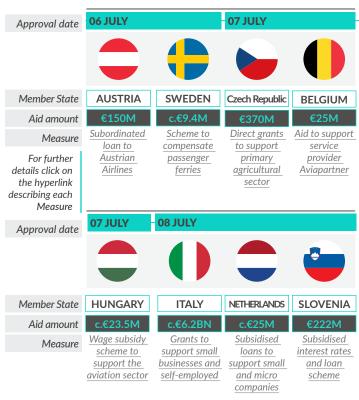




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COVID-19 aid measures

approved to 10 July 2020





Insights

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The enormous value of State aid coupled with how it has been allocated unevenly across the EU and the UK could lead to an uneven economic recovery.

Many of the aid measures approved to date have taken the form of loan guarantee schemes, although a number of alternative types of aid are also covered by the Framework, including direct grants, subsidised interest rates, short term export credit insurance, deferred tax payments, wage subsidies for employees and supports to accelerate the research, testing and production of relevant products.

The majority of the aid measures approved by the Commission are not sector-specific. However, the Commission has also declared measures targeting selected sectors to be compatible with EU State aid rules, including the following:

TRANSPORT



The Commission has approved a number of measures in the air transport sector, including a French scheme deferring the payment by airlines of certain aeronautical taxes and a Swedish loan guarantee scheme for airlines. Measures in favour of named airlines have also been approved, most notably Danish and Swedish guarantees on a revolving credit facility in favour of SAS; a State-guaranteed loan for the German charter airline, Condor; a State guarantee and shareholder loan to Air France and a State guarantee on a loan to Finnair. The Commission has also approved Finnish plans to recapitalise Finnair and Latvian plans to recapitalise airBaltic.

Two Belgian airport operators have also benefited from deferred payment of concession fees.

In addition to air transport, the Commission has declared a Lithuanian scheme to support SMEs active in the road freight transport sector and aid in favour of French car manufacturer Renault, to be compliant with State aid rules.

MANUFACTURING



The Commission has approved Irish, French and Portuguese measures designed to support the manufacturing sector.

SMES



There has also been a substantial focus on measures to support SMEs, including the grant of aid to beneficiaries via credit institutions and insurers.

MEDICAL DEVICES



The Commission has approved Italian aid measures designed to encourage the production of medical devices and PPE, as well as Dutch measures to promote e-health applications. Measures have also been approved in Ireland, Luxembourg, Portugal, Belgium, Malta and the Czech Republic to expedite research and/or production in relation to products intended to tackle COVID-19. German and Spanish umbrella schemes have also been approved, covering aid for COVID-19 related R&D, testing and upscaling infrastructures and the production of COVID-19 related products.

TOURISM

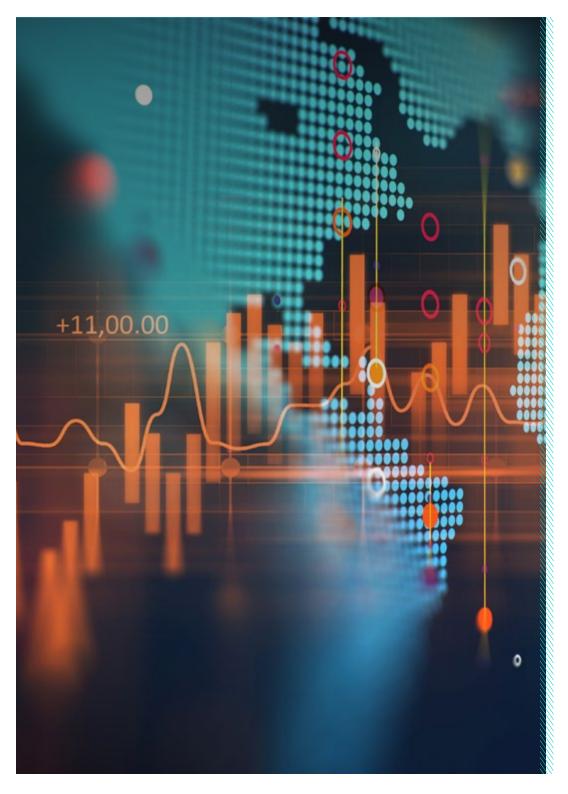


have also been found to be consistent with State aid rules.

AGRICULTURE & FISHERY



The Commission has approved multiple measures (for example, direct grants, loans and guarantees) in support of companies active in the agriculture, fishery, aquaculture and/or forestry industries, including in Portugal, Croatia, Latvia, Italy, Belgium, Greece, Hungary, Netherlands, Czech Republic, Lithuania, Poland, Slovakia, Cyprus and Estonia.



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What's next?

It is likely that large volumes of aid schemes will continue to be notified to the Commission with a view to ensuring continuing liquidity to European businesses. Further extensions to the Temporary Framework are also possible.

The European Commission has clearly learned some lessons from the Financial Crisis and has moved very quickly. Unlike the banking State aid approvals, there is no widespread use of restructuring plans. However, it will be interesting to see if some of the "aid" comes at a price, such as State aid-funded businesses (particularly those receiving State equity injections) having curbs imposed on dividends, salaries and share buy-backs.

The Irish government has helpfully introduced a range of <u>financial supports</u> for impacted businesses - the current supports primarily focus on micro enterprises, SMEs and Small-Mid Cap enterprises impacted by COVID-19.



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Disclaimer: A&L Goodbody 2020. The contents of this document are limited to general information and not detailed analysis of law or legal advice and are not intended to address specific legal queries arising in any particular set of circumstances.



Key contacts

Businesses who are interested in exploring further the types of aid which may be approved by the European Commission are encouraged to contact A&L Goodbody's EU, Competition & Procurement team.

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