



EUROPEAN COMMISSION

Brussels, 2.4.2024
C(2024) 2276 final

SENSITIVE*: *COMP Operations*

Subject: **Commission Decision correcting Decision C(2024)1636 final of 8 March 2024 - SA.112829 (2024/N) – France**
“TCTF: Second exceptional scheme for covering the economic losses of farms specialised in organic production”

Excellency,

1. PROCEDURE

- (1) On 8 March 2024, the Commission adopted Decision C(2024)1636 final – State Aid SA.112829 (2024/N) – France: “TCTF: Second exceptional scheme for covering the economic losses of farms specialised in organic production” (the ‘Decision’).
- (2) On 13 March 2024, the French authorities informed the Commission of two errors which occurred in the Decision.

2. DESCRIPTION OF THE ERRORS AND THE CORRECTION

- (3) The first error occurs in recital (12), point (b), of the Decision, and it concerns one of the eligibility criteria that the beneficiaries are to fulfil in order to benefit from the measure. Recital (12), point (b), of the Decision erroneously refers to a comparison with the average net cash of the period of reference, when it should instead refer to the turnover of the period of reference.
- (4) It is appropriate to correct the aforementioned error. Therefore, in recital (12) of the Decision, point (b) is replaced by the following:

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- ‘(b) they have had a deterioration in their turnover during the compensated financial year greater than or equal to 20 % compared to the turnover of the period of reference.’
- (5) The second error occurs in recital (23) of the Decision. That recital erroneously states that aid under the measure may not be cumulated with aid under the COVID-19 Temporary Framework, however France has confirmed that those aids may be cumulated provided the respective cumulation rules are respected.
- (6) It is appropriate to correct the aforementioned error. Therefore, recital (23) of the Decision is replaced by the following:
- ‘(23) The French authorities confirm that aid under the measure may be cumulated with aid under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak ⁽²¹⁾ (‘COVID-19 Temporary Framework’) provided the respective cumulation rules are respected (*).

(*). List of French measures adopted under the COVID-19 Temporary Framework: SA.56823, SA.56985, SA.62255, SA.63564 and SA.102110.’

- (7) Concerning the correction of the error in recital (12), point (b), of the Decision, the maximum ceiling of aid is not affected by this correction, and it is therefore in conformity with the requirements of point 61(a) of the Temporary Crisis and Transition Framework for State aid measures to support the economy following the aggression against Ukraine by Russia¹ (‘Temporary Crisis and Transition Framework’). This correction does not affect the legal assessment of the Decision nor its conclusion. Neither does it have any harmful effects on the rights or legitimate expectations of third parties or stakeholders.
- (8) Concerning the correction of the error in recital (23) of the Decision, the correction of the cumulation rule is in conformity with the requirements of point (59) of the Temporary Crisis and Transition Framework and does not affect the legal assessment of the Decision nor its conclusion. Neither does it have any harmful effects on the rights or legitimate expectations of third parties or stakeholders.
- (9) As France agreed to have the Decision adopted and notified in English, the authentic language of this correcting Decision should therefore also be English.
- (10) In order to avoid any possible misunderstanding as to the scope of eligibility for the aid scheme, it is necessary to correct the errors in recital (12), point (b), and recital (23) of the Decision, with retroactive effect.

⁽¹⁾ 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>).

3. CONCLUSION

The Commission has accordingly decided to correct Decision C(2024)1636 final as stated above, with effect from 8 March 2024.

For the Commission

Margrethe VESTAGER
Executive Vice-President

