



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMPETITION

Markets and cases III: Financial services
State aid - Financial institutions II

Brussels, 5 February 2024
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**Subject: Section 6 reports under the Guarantee Notice of 2008 - Monitoring of guarantee schemes and individual guarantee measures granted by Members States
HT.6262 – Evaluation of the 2008 Guarantee Notice – Section 6 reports - Request for information**

Dear Sir, / Dear Madam,

Pursuant to Section 6 of the 2008 Guarantee Notice ⁽¹⁾ on the *Reports to be presented to the Commission by Member States*, the Member States shall submit reports to the Commission for aid measures, provided either as an individual guarantee or as a guarantee scheme, at least at the end of the period of validity of the guarantee. Consequently, DG Competition requests your authorities to submit the reports relating to aided schemes as well as aided individual guarantees as described below in line with Section 6 of the 2008 Guarantee Notice, for the reference period of 2010 to end of 2021.

This information request is a part of the ongoing evaluation of the application of the 2008 Guarantee Notice in the context of which DG Competition has been collecting input from various stakeholders. The present request aims to complement the information request that was sent to you in September 2022, since the latter had not covered the pieces of information required under Section 6 reporting of the 2008 Guarantee Notice.

In this information request, when reference is made to Member States, the Commission means the Member State or any guarantee granting agency that offers guarantees which are backed by a local, regional or national sovereign commitment.

The monitoring of the granted guarantees covers the period from 2010 to 2021 ('reference period') in which the guarantee schemes were applied and individual guarantees were granted.

According to Section 6 of the 2008 Guarantee Notice, the reports on aided guarantee schemes should include at least the following information:

a) the number and amount of guarantees issued; (b) the number and amount of guarantees outstanding at the end of the period; (c) the number and value of defaulted guarantees (displayed individually) on a yearly basis; (d) the yearly income: i. income from the premiums charged; ii. income from recoveries; iii. other revenues (e.g. interest received on deposits or investments) (e) the yearly costs: 1. administrative costs; 2. indemnifications paid on mobilised guarantees; (f) the yearly surplus or shortfall (difference between income and costs); and (g) the accumulated surplus or shortfall since the beginning of the scheme.

For aided individual guarantees, the relevant information, mainly that referred to in points (d) to (g), should be similarly reported.

⁽¹⁾ Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees, Official Journal 2008/C 155/02 20.06.2006, p. 10-22

Guarantees granted under the Temporary Framework⁽²⁾, the Temporary Crisis Framework⁽³⁾ and the Banking Communication⁽⁴⁾ are excluded from this reporting requirement.

Attached to this information request, you will find a reporting template prepared based on Section 6 of the 2008 Guarantee Notice. Please feel free to amend the reporting template with additional information as you see it fit or use other reports available to your authorities provided that they contain the information as requested in Section 6 of the 2008 Guarantee Notice and as outlined above.

The Commission services also wish to reiterate Section 6 of the Guarantee notice which draws the attention of Member States to *“the fact that for non-aid guarantees provided individually or under a scheme, although no notification obligation exists, the Commission may have to verify that the guarantee or scheme does not entail aid elements... the Commission will request information similar to that set out above for reports [of aided measures] from the Member State concerned.”*

Concerning non-aid guarantees, the objective of the Commission services with this request is, among others, to verify whether the no-aid schemes are indeed self-financing, whether the risk is properly valued and whether the assumptions regarding administrative costs are correct. In order to perform this analysis, the reports should in principle include all these pieces of information, which is very similar to aided guarantees. This would cover also the de-minimis schemes in case the guarantee is granted using the 2008 Guarantee Notice (i.e. safe harbour or approved methodology).

Therefore, relying on Section 6 relating to non-aided guarantees, the worksheet of the template for no-aid guarantees should be also filled in with the corresponding data similarly to the reports of the aided guarantees if this information is readily available for your authorities. If this is not the case, some information is missing or if only more aggregate information is available, please let us know by contacting the case handlers indicated at the end of this letter, to clarify how this reporting request for the non-aided guarantee could be fulfilled.

The above mentioned information should reach the Commission **within 20 working days** of the date of this letter.

If you have specific questions to this reporting request, or have any difficulties with meeting the reporting deadline, please contact the case team who is prepared to answer your questions and advice you in meeting the requirements of this reporting request.

⁽²⁾ Communication from the Commission - Temporary framework for State aid measures to support the economy in the current COVID-19 outbreak (OJ C 91I, 20.3.2020, p. 1), as amended by Commission Communications C(2020) 2215 (OJ C 112I, 4.4.2020, p. 1), C(2020) 3156 (OJ C 164, 13.5.2020, p. 3), C(2020) 4509 (OJ C 218, 2.7.2020, p. 3), C(2020) 7127 (OJ C 340I, 13.10.2020, p. 1), C(2021) 564 (OJ C 34, 1.2.2021, p. 6), and C(2021) 8442 (OJ C 473, 24.11.2021, p. 1)

⁽³⁾ Communication from the Commission on the Temporary Crisis Framework for State aid measures to support the economy following the aggression against Ukraine by Russia (OJ C 131 I, 24.3.2022, p. 1), as amended by Commission Communication C(2022) 5342 (OJ C 280, 21.7.2022, p. 1)

⁽⁴⁾ Communication from the Commission on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the financial crisis, (OJ 2013/C 216/01 30.7.2013, p. 1)

Please also provide us the contact details of the person(s) in case of questions with respect to the reply to this request for information, including the e-mail address(es) and the phone number(s).

In your correspondences with our services, please mention the reference to case, as provided above in the subject HT.6262 – Evaluation of the 2008 Guarantee Notice – Section 6 reports.

The officials in charge in DG Competition are

Enikő HANTOS, Eniko.HANTOS@ec.europa.eu, +32 229-66456;
Joachim KELLER, Joachim.KELLER@ec.europa.eu, +32 229-56450, or
Emrah ARBAK, Emrah.ARBAK@ec.europa.eu, +32 229-63241.

Yours faithfully,

Electronically signed

Agata MAZURKIEWICZ
Head of Unit

Enclosure: Reporting template with two worksheets (aided and non-aided guarantees)