LATHAM&WATKINS

COVID-19

PUBLIC FINANCE SUPPORT (STATE AID) GRANTED TO THE AUTOMOTIVE SECTOR

Member State	State aid Measure	EC decision
FRANCE	On 26 May 2020, the French government announced an €8 billion package to rescue the automotive industry and boost electric vehicles. The plan includes the following measures:	No decision
	 A car scrappage scheme: The scheme includes €1 billion to increase the current State bonus for consumers buying electric cars up to €7,000 (currently at €6,000). Business customers are entitled to a €5,000 subsidy and an additional bonus of €2,000 for the purchase of plug-in hybrids. Eligible vehicles shall no cost more than €50,000 and be able to travel on battery power at least 50 kilometers. The electric bonus will be available from 1 June to 31 December 2020. 	
	• Trade-in premium: Consumers who buy new or used latest-generation petrol or diesel vehicles and full-electric models will be entitled to a €3,000 and €5,000 bonus, respectively. Subsidies will be available from 1 June and will apply to the first 200,000 applicants	
	 A €5 billion loan for the French carmaker Renault: Press reports the State loan is contingent on the car manufacturer keeping two key plants in France. 	
	Press reports also that the French government will establish an investment fund worth up to €600 million for electric mobility together with Renault and PSA Group, each contributing €100 million.	
	Commission approved a €5 billion French loan guarantee to Renault under Article 107(3)(b) TFEU.	Approved 29 April 2020
	The individual notification was submitted because the guarantee approved offers a greater loan coverage (90%) than under the French general guarantee scheme approved by the Commission on 21 March 2020 (70% loan coverage).	
	Commission cleared an individual guarantee from the French Government for a €71 million loan to Novares, the automotive global supplier of plastic components for the automotive industry, under Article 107(3)(b) TFEU.	Approved 27 May 2020
	The French State will guarantee 90% of the loan granted to the Novares group by several commercial banks.	
	General measures approved by the French government are also available for undertakings active in the automotive industry, including:	See <u>overview of</u> <u>State Aid</u>
	- State guarantees to provide access to liquidity through BPI	available for COVID-19
	- Two state guarantees schemes for small and medium-sized enterprises (SMEs) with export activities	
	- Postponement of certain social charges and taxes; in some critical situations, tax breaks can be awarded	
GERMANY	The (general, cross-sectoral) support measures under the German protection shield as well as support measures on a federal state level (<i>e.g.</i> , Bavaria) also apply to the automotive sector. Such measures include, inter alia, grants for short-time work allowances, loans, guarantee schemes, and an economic stabilization fund (WSF).	See <u>overview of</u> <u>State Aid</u> <u>available for</u> <u>COVID-19</u>
	Press reports certain German car manufacturers and car parts maker are taking advantage of the German government's short-time work scheme (Kurzarbeitergeld).	No decision required

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	Certain automotive supplier (like <u>Leoni</u>) take benefit in form of loans, up to 90% of which would be jointly guaranteed by the federal government and the federal states under the German guarantee programs (<i>Bundesregelung Bürgschaften 2020</i>) and programs on the federal state level.	See <u>overview of</u> <u>State Aid</u> <u>available for</u> <u>COVID-19</u>
	On 3 June, 2020, Germany's governing coalition agreed on a €130 billion stimulus package ("Konjunkturpaket") to help relaunch the country's economy. On 12 June 2020 the German Cabinet adopted the package. The package includes various measures that benefit the automotive sector, inter alia:	No decision
	The motor vehicle tax for passenger cars will be more strongly oriented towards CO2 emissions, and notably, the steering effect towards lower-emission or zero-emission vehicles will ramp up. For new registrations the assessment basis as of 1 January 2021, therefore, mainly relates to CO2 emissions per km and those greater than 95g CO2/km is raised in stages. In addition, the existing 10-year vehicle tax exemption for purely electric vehicles will be granted until 31 December 2025 and extended to 31 December 2030.	
	- An eco-rebate ("Umweltprämie") will encourage the replacement of the vehicle fleet by more climate- and environmentally friendly electric vehicles. In the existing system, the federal government's premiums will be doubled as a new "innovation premium". This does not affect the manufacturers' premiums. This means, for example, that for an e-vehicle of a net list price of up to €40,000, the federal government's promotion will increase from €3,000 to €6,000. This measure is limited until 31 December 2021. For the taxation of pure electric company cars of 0.25% will increase the purchase price limit from €40,000 to €60,000.	
	 A bonus program for the years 2020 and 2021 will be set up for future investments made by vehicle manufacturers and the supply industry. The program is designed to promote investment in new technologies, processes, and equipment. Research and development for transformation-related innovations and new regional innovation clusters, especially those within the supply industry, will be supported with €1 billion in the years 2020 and 2021. 	
	 An additional €2.5 billion is to be invested to promote the expansion of the charging infrastructure as a necessary prerequisite to accelerate the rampup of e-mobility. Specifically the funds will be invested in the expansion of modern and safe charging point infrastructure, the promotion of research and development in the field of electromobility and battery cell production, including in other possible locations. Implementation of fleet exchange programmes. 	
	The German Association of the Automotive Industry (VDA) has presented to the Federal Cartel Office (<i>Bundeskartellamt</i>) measures designed to overcome the crisis in the automotive industry caused by COVID-19. This "Corona restructuring process", will consist of a coordinated approach through stakeholder groups in which information will be exchanged within a limited period of time, in order to enable a speedy restructuring process for companies in this sector. The <i>Bundeskartellamt</i> has decided not to assess the measures under the scope of competition law in more detail, although it has provided additional measures to ensure compliance with competition law, specifically:	N/A
	 Suppliers will remain free to choose when and how they choose to restart their activities, with no obligation to restart at a specific point in time nor to publicly announce such restart. 	
	 The VDA best practice will not contain any company-specific information and existing contractual obligations remain unaffected. 	
	 The Corona restructuring process concerns companies which, under their own assessment, are undergoing an economic crisis due to COVID-19, 	

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	which includes not only companies domiciled in Germany, but also companies outside Germany with subsidiaries or establishments located in Germany.	
	 The measures will be limited in time, companies will have to set the date of the first stakeholder meeting before the 31 December 2020. 	
	 The scope of the information to be exchanged is limited to data indispensable for the restructuring. The data should be shared in an aggregate form (in particular regarding units or prices) and companies will not receive any data specific to their competitors (only overall figures of the suppliers). Additionally, the data exchange is subject to specific confidentiality rules and limited to a specified group of people within the companies who will not be able to participate in purchasing negotiations with the relevant supplier for a specific period of time. 	
	 The framework agreement, resulting from the Corona restructuring process, will describe stakeholders' contributions in a general way and the individual services relating to each contractual partner will be negotiated exclusively on a bilateral basis 	
	 Stakeholders are free to choose not to participate in the restructuring negotiations. The parties to the framework agreement may not agree to disadvantage stakeholders that are not party to the agreement. 	
	Bundeskartellamt's press release is available here.	
HUNGARY	No financial aid measures so far have been made available in Hungary targeting the automotive industry and its supply chain. However, many general schemes approved by the Commission are available to car makers and supply companies. General measures available include:	
	 The Széchenyi Card Program provides aid in the form of grants to cover part of the financial costs firms incur to take loans. The aid (for grants taken until 31 December 2020) is open for micro and SMEs companies active in Hungary across all sectors but four (paragraph 17 of the case SA.57285). 	Approved 20 May 2020
	 Grants are available for mid- and large-sized enterprises established or with a place of business in Hungary that fulfil conditions set forth in paragraph 12 of the case <u>SA.56926</u>. The revised total budget is approximately €140 million and is open to all sectors of the economy but some (including the steel sector). 	Approved 8 April 2020
	 Loan guarantee schemes administered by the Garantiqa Hitelgarancia Zrt and the Hungarian Development Bank are available for micro, SMEs, and large enterprises facing liquidity shortages in all sectors of the economy (except for four limited sectors - <u>SA.57121</u>). The total budget estimated is at €1.4 billion and €140 million, respectively. 	Approved 28 April 2020
	• Grants, guarantee, and subsidized interest measures administered by the Hungarian Export-Import Bank (Eximbank) are available to SMEs and large companies facing economic difficulties and liquidity shortages due to the COVID-19 outbreak (except for credit and other financial institutions). The €903 million total budget is distributed as follows: €3 million for grants, €300 million for guarantees on loans, and €600 million for subsided interest rates on loans.	Approved
	 Direct grants, loans, and equity are open to all undertakings active in Hungary with access to European structural funds from the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund (CF), the European Agricultural Fund for Rural Development (EAFRD), and the European Maritime and Fisheries Fund 	Approved

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	(EMFF). The aid (with a budget estimated at €1 billion) is available to all sectors and firm sizes.	
ITALY	Fiat Chrysler Automobiles <u>reported</u> that it is in discussions with the Italian government to obtain a guarantee from Servizi Assicurativi del Commercio Estero (SACE, Italy's Export Credit Agency) in support of a credit facility designed to help the automotive chain in Italy, comprising approximately 10,000 small and medium-sized businesses.	No decision
	If finalized, the automaker would obtain 80% state guarantees on a €6.3 billion three- year loan facility through Intesa Sanpaolo, Italy's largest banking group.	
	The Italian Minister of Economy confirmed that the Italian government has asked for additional commitments to the already stringent commitments set for such loans. All the planned investments must be confirmed and the company would be required to use the funds for operations in Italy.	
	Press specialized in the industry indicate the Italian Government plans on announcing measures to support the automotive sector. In particular, a €20 billion package targeted at the automotive sector and providing families with tax reliefs. The package is expected to be approved early august. €1 billion is to be dedicated to boost scrappage incentives both for ICE and electrified vehicles.	N/A
	Article 44 of the Decree n. 34 of 2020 provides for an increase of €100 million for 2020 and €200 million for 2021 of the fund for the purchase of low CO2 emission vehicles — representing the refinancing of a previous measure already in force.	No decision
	No financial support aid measures have been made available in Italy specifically targeting car manufacturers and ancillary companies in the automotive sector. However, firms across the industry can still benefit from the measures approved by the Italian government, including:	See overview of State Aid available for COVID-19
	- Unemployment benefit funds for firms with suspended or reduced activity	
	- Suspension of tax and Social Security contributions	
	- State guarantees to support liquidity of companies	
ROMANIA	On a video conference hold on 1 April 2020 between representatives of the Romanian government (including Prime Minister Ludovic Orban and Minister of Economy Virgil Popescu) with representatives of the Romanian car industry, the Association of Automobile Manufacturers in Romania (ACAROM) proposed the following measures (grouped by categories):	No decision
	Labour measures	
	 Full coverage by the Romanian state of the cost of technical unemployment for a period of three to six months for companies in the automotive sector, suppliers of spare parts, and car accessories 	
	 Mechanisms to compensate employees' income during the period of gradual or partial resumption of activity 	
	Financial and fiscal measures	
	- Emergency payment of all due debts of the state to companies	
	 Postponement of the payment of local taxes, land, building, profit taxes, and value-added tax (VAT) for the end of the year with the possibility to pay amounts due in the first quarter of 2021 	
	 Postponement of the payment of bank loans and related interests for affected companies for a period of nine months (at a minimum) 	
	- State guarantees from the Ministry of Public Finance for firms to obtain loans and partial/total coverage of interest costs	
	A complete list of measures is available <u>here</u> .	

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	To date, the Romanian government has not approved any measures specifically targeting the automotive supply chain sector.	
SPAIN	The European Investment Bank (EIB) will finance a €200 million loan to Gestamp, a manufacturer of metal components for the automotive sector with factories in Spain, Germany, France, and Sweden. The funding supports the development of new research lines enabling the production of safer, lighter, and more environmentally friendly vehicles. The loan, which is endorsed by the European Commission's Investment Plan for Europe, will help Gestamp run a Research, Development & Investment (RDI) project for a period of more than four years and safeguard highly skilled jobs. The project aims to boost the development of electric vehicles.	N/A
	The EIB will provide a €25 million loan to the Spanish Group ZANINI, which specializes in the development of components for the automotive sector. The investments will be implanted by 2023 and have been granted under the <i>Investment Plan for Europe</i> . The loan will allow ZANINI to: (i) improve its production plants and expand its capacity by building a new plant in Spain, (ii) strengthen its new business line focusing on new technologies for radar integration, which is key to self-driving vehicle development, and (iii) make environmental and safety improvements in the facilities and modernize the company's ICT technologies.	No decision
	On 16 June 2020 the Spanish Council of Ministers has approved a €3.75 billion plan to promote the Spanish automotive industry value chain. This plan will entail direct grants and tax relief to individuals, companies, self-employed and public entities, as well as productive investments and investments in innovation and training. The first €1.53 billion of the total budget will be granted in 2020 and the rest will be granted from 2021 onwards. According to the plan, the €3.75 billion will be devoted to a number of measures including:	No decision
	 including: €300 million for the adaptation of cities to new mobility needs, in particular infrastructure for recharging electric vehicles and electrification of transport. €250 million for the renovation of the fleets available for public institutions and to the public (including city buses), as well as subsidies for the renovation of private vehicles. The measure will be available for passenger cars, light commercial vehicles, as well as heavy commercial vehicles and buses. The amount of the direct grant will vary depending on the efficiency of the vehicle and is applicable to new or "zero km" vehicles valued up to €35,000 per vehicle (€45,000 for vehicles for reduced mobility users). This measure has already taken effect by Royal Decree- Law 25/2020, of 3 July, of urgent measures to promote the reactivation of the economy and employment. €415 million for the promotion of research, development, and innovation in the automotive sector, focusing on digitalization, connectivity, and innovative solutions in sustainable mobility and its associated industry. €2.69 billion in investments in the industry value chain between 2020 and 2022. These include increasing flexibility regarding the conditions necessary for the grant of the <i>Reindus</i> loans and the specific allocation of budget to a new sub-ICO loan guarantee for the renewal of commercial and industrial fleets. 	
	- €95 million for the promotion of vocational training and qualification of workers in the industry.	

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	Additionally, the government has foreseen tax measures to promote investments in sustainable, connected, and electric mobility value chains as well as regulatory measures that will incentivize private investments. For instance the increase from 12% to 25% of the deduction allowed for corporate tax regarding innovation in processes (Innovación en procesos (iP)).	
	The measures can be found here in more detail.	
	The Alliance for the Competitiveness of the Spanish Industry, which also includes the motor sector (represented by the automotive association Asociación Española de Fabricantes de Automóviles y Camiones, or ANFAC), has submitted a package of 10 measures to the Spanish government — including a proposal to launch a short-term national shock plan to support demand and the renewal of the vehicle feet. The Alliance has also proposed the implementation of powerful measures to support Spain's vehicle-charging infrastructure.	N/A
	In addition to the financial support aid measures made available in Spain specifically targeting the automotive supply chain sector,., firms across the industry can still benefit from the general measures approved, including: - Government loan guarantees (ICO guarantee lines)	See <u>overview of</u> <u>State Aid</u> <u>available for</u> <u>COVID-19</u>
	- Export credit insurance coverage line	
	 Tax deferral (up to €30,000) without need for a guarantee Deferral (up to six months) on the payment of Social Security contributions 	
SLOVAKIA	According to the Minister of Labor, Volkswagen and Jaguar Land Rover applied for financial support to the Slovak government. However, the press has not confirmed that the support was granted.	N/A
UK	Reportedly the UK automotive industry is in talks with the UK government over a possible £1.5 billion scrappage scheme, with the Society of Motor Manufacturers and Traders (SMMT) having argued in a letter to the UK government that the scheme must "support the entire market, not just disproportionately favouring specific segments or technologies, recognising the diverse nature of UK automotive manufacturing".	N/A
	The <u>UK government has announced its "Plan for Jobs 2020"</u> which among other measures includes additional funding (£1 billion) to the Automotive Transformation Fund to develop automotive technologies. The government made £10 million of funding available immediately for the first wave of innovative R&D projects to scale up manufacturing of the latest technology in batteries, motors, electronics, and fuel cells. The government is also calling upon industry to put forward investment proposals for the UK's first 'gigafactory' and supporting supply chains to mass manufacture cutting-edge batteries for the next generation of electric vehicles, as well as for other strategic electric vehicle technologies.	N/A
	Jaguar Land Rover (JLR) (owned by Tata Motors) is reportedly in talks with the UK government to secure a loan of more than £1 billion. JLR reportedly does not qualify for the UK's Covid Corporate Financing Facility, which is aimed at large businesses and has strict eligibility requirements, including that a firm must be investment-grade rated as of 1 March 2020. As such, a loan of this amount would likely have to be made by way of individual aid. JLR is already taking advantage of the UK government's Job Retention Scheme.	N/A
	The Financial Conduct Authority (FCA) <u>announced</u> a package of measures, including support for motor finance. The FCA approved a three-month payment freeze, a buynow pay-later (BNPL) program, rent-to-own (RTO), and pawnbroking agreements for motor customers facing temporary payment difficulties.	N/A

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	A vast majority of car manufacturers have been offering payment holidays since mid-March 2020. Ford, leading the way with its "Piece of Mind" programme, is not only offering payment holidays for current customers but also offering up to six months of payment holidays for new car buyers (promotion is limited to some vehicles).	
	According to reports, McLaren has been denied a request for a £150 million loan from the UK government.	N/A
	The Society of Motor Manufacturers & Traders' (the SMMT's) COVID-19: Automotive Business Support website includes details about and links to the variety of measures approved by the UK government that can benefit UK automotive business and associated supply chains.	See <u>overview of</u> <u>State Aid</u> <u>available for</u> <u>COVID-19</u>
	The measures included in the list are general measures (not specifically targeted at the automotive and associated supply chains) with the exception of a tax relief for businesses in England whose properties are wholly or mainly being used as/for: car/caravan show rooms, second-hand car lots, petrol stations, and car hire. Some of the general financial support measures available include:	
	- Job retention Scheme (until the end of October)	
	- For larger firms: CBILS and the Corporate Financing Facility	
	 For small and mid-sized firms: CBILS and the Bounce Back Loan Scheme, which are alternatives 	
	An overview of measures available from the UK government is available here .	
* 0	The European Automobile Manufacturers Association (ACEA), representing 16 major Europe-based vehicle manufacturers, reflects the economic and financial measures adopted so far by the European Investment Bank are mainly addressed to SMEs but not directed to larger companies. Hence, ACEA requested to the EIB to extend some of its programs or launch a program akin to the European Clean Transport Facility.	N/A
* 0	On 14 May 2020, CEOs of vehicle manufacturers and components suppliers with their respective associations (ACEA and the European Association of Automotive Suppliers, or CLEPA) held a meeting with Frans Timmermans, the Commission's Executive Vice-President for the Green Deal, and Thierry Breton, Commissioner for Internal Market. The ACEA and the CLEPA have jointly requested the Commission to coordinate national fleet schemes to ensure market conditions are harmonized across the EU and to supplement these with EU budget.	N/A
* 0	The four associations representing the full automotive supply chain (ACEA, the European Council for Motor Trades and Repairs, CLEPA, and the European Tyre & Rubber Manufacturers' Association) have released a <u>plan of 25 key actions</u> aimed at supporting the sector and the economy at large.	N/A
* •	In a meeting with the EU Industry and Internal Market Ministers held on 15 May 2020, 12 Member States presented a proposal for a European Recovery Plan to support the automotive industry. Promoters stand the measures included are compatible with the EU's objectives of ecological transition and digital transformation and are targeted to encompass the entire automotive industry and the associated supply chains.	N/A