C&S CLIENT BRIEFINGS

Brussels, June 2026

Clayton & Segura State Aid Lawyers report regularly on the most relevant developments from the capital of Europe on State aid matters.

State Aid Report – June 2026

EU State aid and competition enforcement activity remained particularly dynamic in June. The Commission announced a broadening of the scope of EU research and innovation funding to cover defence and dual-use technologies. Moreover, it approved a significant number of aid measures under the Middle East Crisis Temporary State Aid Framework (METSAF). ESA also adopted the METSAF reinforcing its role as a key instrument for supporting businesses affected by rising energy and fuel costs throughout the European Economic Area. These developments illustrate the continued evolution of EU State aid law and policy in response to both geopolitical challenges and emerging strategic objectives.

At judicial level, the Court of Justice delivered its judgment in Case C-69/25 P clarifying the circumstances in which the Commission can be considered to have "defined its position" on a State aid complaint, thereby affecting the procedural rights of complainants.

These developments illustrate the continued evolution of EU State aid law and policy in response to both geopolitical challenges and emerging strategic objectives.

For more information and a full overview of the latest State aid developments, please visit the press releases section on our website.

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NEWS FROM THE SCENE

EU research and innovation funding expands to defence and dual-use technologies

The Commission has expanded the scope of EU research and innovation funding to include defence and dual-use technologies, following the adoption of an amendment to the European Innovation Council (EIC) Work Programme 2026. The change, introduced as part of the Defence Mini-Omnibus package, enables start-ups and SMEs developing technologies with both civilian and defence applications, such as artificial intelligence, quantum computing, advanced materials and robotics, to access grants of up to EUR 2.5 million and equity investments of up to EUR 30 million through the EIC Accelerator and STEP Scale Up programmes.

In parallel, the Commission has launched a new EUR 100 million EIC STEP Defence Scale Up call, providing direct equity financing of up to EUR 30 million for companies developing critical defence technologies, including air and missile defence systems, drones and counter-drone capabilities. The initiative marks the first time an EU funding programme will make direct equity investments in defence companies and reflects the EU's broader objective of strengthening its defence industrial base, technological leadership and strategic autonomy.

For more information, see the Commission's PR.

NEWS FROM THE EUROPEAN COMMISSION

I. Semiconductors

EUR 76 million State aid for first-of-a-kind semiconductor testing equipment facility in Germany

The measure will support QuantumDiamonds GmbH in establishing a new semiconductor testing equipment facility in Munich. The project, known as IPF-ATEST, will develop and manufacture advanced metrology and inspection systems based on novel quantum sensing technologies, enabling high-resolution and 3D testing of semiconductor chips. The facility will be the first of its kind in the European Union and is expected to strengthen the resilience and strategic autonomy of the EU semiconductor value chain, in line with the objectives of the European Chips Act.

The Commission approved the measure under Article 107(3)(c) TFEU and based on the principles set out in the European Chips Act, and found that the aid is necessary, appropriate and proportionate to facilitate the development of a new economic activity in Europe. In addition to creating manufacturing capacity for advanced semiconductor testing equipment, the project will contribute to security of supply, foster cooperation with research institutions, support SMEs and start-ups, and help develop a highly skilled workforce.

For further information, see the Commission's PR.

II. Energy and Decarbonisation

CISAF: EUR 100 million State aid scheme for cleantech manufacturing capacity in Austria

The measure aims to accelerate the transition to a net-zero economy by supporting investments in the production of strategic clean technologies and their key components in Austria. Aid will be granted in the form of subsidised loans to both SMEs and large enterprises investing in sectors such as batteries, solar panels and wind energy equipment. The scheme will be available until 31 December 2026 and complements a previously approved Austrian programme in December 2025 that already mobilised EUR 100 million for cleantech manufacturing capacity.

The Commission approved the scheme under the Clean Industrial Deal State Aid Framework (CISAF), finding it necessary, appropriate and proportionate to promote cleantech manufacturing and strengthen Europe's industrial competitiveness.

For more information, see the Commission's PR.

CISAF: EUR 23 billion scheme to support renewable electricity production in Italy

The measure will support the deployment of new onshore wind, solar, hydropower and sewage gas installations and is expected to add more than 37 GW of renewable electricity capacity. The scheme will contribute significantly to Italy's renewable energy and decarbonisation targets for 2030, while helping to reduce electricity prices and the EU's dependence on imported fossil fuels.

The aid will be granted through two-way Contracts for Difference (CfDs) that provide a bonus for each kWh of electricity produced and fed into the grid, based on a strike price, for a duration of 20 years. The aid for projects with capacity over 1 MW will be allocated through competitive and non-discriminatory bidding processes. Smaller installations with a capacity below 1 MW will be able to access support directly under administratively determined strike prices. The Italian authorities will organise a separate competitive procedure for solar and wind technologies with capacity over 1 MW, where applicants will have to respect additional preselection Net Zero Industry Act criteria designed in line with Regulation EU 2024/1735 and Implementing Regulation (EU) 2025/1176.

The Commission approved the measure under Sections 3 and 4.1.2 of the Clean Industrial Deal State Aid Framework (CISAF), finding it necessary, appropriate and proportionate to accelerate the clean energy transition and facilitate the development of renewable energy generation, in line with the objectives of the Clean Industrial Deal.

For more information, see the Commission's PR.

CISAF: EUR 1 billion State aid scheme to support clean technology manufacturing capacity in Slovakia

The measure aims at supporting clean technology manufacturing capacity and advancing the objectives of the EU's Clean Industrial Deal. It will support investments by both SMEs and large enterprises in the production of cleantech technologies, key components and related critical raw materials through a combination of direct grants and income tax relief.

The measure will remain in force until 31 December 2030 and is expected to strengthen Europe's manufacturing capacity in strategic clean technologies while facilitating the development of economic activities that are essential for achieving the EU's climate and industrial policy objectives.

The Commission concluded that the scheme complies with the conditions under the Clean Industrial Deal State Aid Framework (CISAF) as it is necessary, appropriate and proportionate to accelerate the transition towards a net-zero economy.

For more information, see the Commission's PR.

III. Middle East Crisis

METSAF: EUR 54 million State aid scheme to support agricultural companies in Spain

The measure will provide support to companies active in the primary production of agricultural products in Spain facing increased fuel costs resulting from the Middle East crisis.

Under the scheme, aid will be granted in the form of direct grants of EUR 0.20 per litre of diesel purchased, covering up to 70% of the additional fuel costs linked to the crisis. The measure was approved under the Middle East Crisis Temporary State Aid Framework ("METSAF") and aims to mitigate the impact of higher diesel prices incurred between 22 March and 30 June 2026. The Commission found the measure to be necessary, appropriate and proportionate to support the development of the agricultural sector while preserving fair competition within the internal market.

For more information, see the Commission's PR.

METSAF: EUR 25 million State aid scheme to support fisheries in Spain

The aid scheme will support fishing companies affected by increased fuel prices linked to the ongoing Middle East crisis. The scheme was assessed under the Middle East Crisis Temporary State Aid Framework ("METSAF"), adopted by the Commission on 29 April 2026, and is designed to provide a targeted and temporary response to significant cost pressures in the fisheries sector.

Aid will take the form of direct grants covering part of diesel costs incurred between 22 March and 30 June 2026. Beneficiaries may receive EUR 0.20 per litre of fuel, subject to caps of EUR 200,000 per vessel and EUR 400,000 per shipowner, with overall support limited to up to 70% of the additional fuel costs.

The Commission concluded that the scheme is necessary, appropriate and proportionate to address the economic impact of the crisis, while preserving fair competition in the internal market.

For more information, see the Commission's PR.

METSAF: EUR 402 million State aid scheme for road transport companies in Spain

The aid will take the form of direct grants.

For beneficiaries who are eligible under an existing diesel tax refund scheme for professionals, the aid can cover up to 70% of the additional fuel costs resulting from the Middle East crisis incurred between 1 March and 30 June 2026.

For beneficiaries who are not eligible under that tax refund scheme, the aid can either be capped at EUR 50,000 per company or cover up to 70% of the additional fuel costs incurred between 1 March and 31 December 2026.

The scheme has been approved under the Middle East Crisis Temporary State Aid Framework (METSAF).

For further information, see the Commission's PR.

METSAF: EUR 85 million State aid scheme to support agricultural companies in Ireland

The Irish State aid scheme supports agricultural companies affected by the sharp increase in fuel prices resulting from the Middle East crisis. The measure will provide direct grants of up to EUR 0.20 per litre of fuel purchased to companies active in the primary production of agricultural products to help offset fuel costs incurred between March and July 2026. The aid will remain available until 31 December 2026 and aims to safeguard the development of agricultural activities while limiting the economic impact of the crisis.

The Commission approved the scheme under Sections 1 and 2.1 of the Middle East Crisis Temporary State Aid Framework (METSAF), finding it necessary, appropriate and proportionate to support the agricultural sector during a period of exceptional fuel price volatility.

For further information, see the Commission's PR.

METSAF: EUR 8 million State aid scheme for fishing companies in Croatia

The Commission has approved a scheme for fishing companies in Croatia in light of increased fuel prices due to the crisis in the Middle east. The Croatian measure will take the form of direct grants and will cover up to 70% of the additional fuel costs incurred by the companies up to a maximum of EUR 50.000.

The scheme has been approved under the Middle East Crisis Temporary State Aid Framework (METSAF). The Commission found the scheme to be necessary, appropriate, proportionate and compatible with the conditions set out in the METSAF. It established that this State aid scheme will not adversely affect trade between Member States.

The scheme will be in place until the 31st of December 2026.

For further information, see the Commission's PR.

METSAF: EUR 212 million State aid scheme to support agricultural and aquaculture companies in France

The French State aid scheme aims to support agricultural and aquaculture companies affected by the sharp increase in non-road diesel fuel ("*Gazole non routier*" or GNR) prices following the Middle East crisis. The measure aims to compensate businesses for the additional fuel costs incurred between May and August 2026 through direct grants of EUR 0.15 per litre of fuel purchased, with the scheme remaining in force until 31 December 2026.

The Commission found that the measure complies with the conditions set out in the Middle East Crisis Temporary State Aid Framework (METSAF). In particular, the aid is targeted, temporary, and proportionate to address the economic impact of rising fuel prices on agricultural and aquaculture producers.

For more information, see the Commission's PR.

METSAF: EUR 15 million State aid scheme to offset fuel costs for fisheries and aquaculture sector in Ireland

The scheme aims to compensate fishing and aquaculture companies for additional fuel costs incurred between March and July 2026 as a result of the Middle East crisis. Aid will be provided through direct grants, including a EUR 350 flat-rate payment for smaller vessels and fuel-cost-based support for larger vessels (up to a maximum of EUR 0.40 per litre of fuel), with the scheme running until 31 December 2026.

The Commission approved the scheme under the Middle East Crisis Temporary State Aid Framework (METSAF), concluding that it is necessary, appropriate and proportionate to support economic activity in the fisheries and aquaculture sectors.

For more information, see the Commission's PR.

IV. Aviation

EUR 6 million State aid for Erfurt Airport in Germany

The Commission has approved the grant of operating aid to Erfurt Airport, a regional airport located in Thuringia and handling around 314,000 passengers in 2025. The airport is operated by the publicly owned Flughafen Erfurt GmbH and had previously received EUR 11.6 million in operating support between 2015 and 2024. Germany notified the additional aid in December 2025, aiming to support the airport until April 2027.

The Commission assessed the measure under the Aviation Guidelines, taking into account the lasting impact of the COVID-19 pandemic and Russia's war against Ukraine, which have reduced passenger traffic and increased operating costs. It found that the aid is limited to what is strictly necessary to allow the airport to reach full cost coverage by April 2027 and that the measure supports regional connectivity and development while avoiding undue distortions of competition in the internal market.

For more information, see the Commission's PR.

EUR 4.5 million State aid for Paderborn airport in Germany

The funding will support infrastructure investments in Paderborn airport, a regional airport in North Rhine-Westphalia, which handled approximately 820,000 passengers in 2024. The aim of the investment is to maintain the airport's operations as a commercial airport while improving the quality of its transport infrastructure and services.

The measure was assessed under the Aviation Guidelines. The Commission found that part of the measure relating to rescue and firefighting services concerns non-economic activities and therefore does not constitute State aid. As regards the remaining investments, the Commission concluded that the measure is necessary, appropriate and proportionate to enhance regional connectivity and enable the airport to cover infrastructure investment costs between 2025 and 2030 without causing undue distortions of competition.

For more information, see the Commission's PR.

V. Agriculture

EUR 11.9 million State aid for Zanetti for cheese production in Italy

The Commission approved a direct grant to support investment in the dairy sector in favour of Zanetti S.p.A., a company specialised in traditional Italian cheeses. With the State aid it will receive, the company plans to modernise production and foster economic development in the region. Additionally, the modernisation will have a positive environmental impact, as it will lower energy consumption and emissions.

The Commission assessed the measure under EU State Aid rules, in particular Article 107(3)(c) of the Treaty on the Functioning of the EU, which allows Member States to support the development of certain economic activities under certain conditions, and the 2023 Guidelines for State aid in the agricultural and forestry sectors and in rural areas. The Commission found the measure to be necessary, appropriate and proportionate.

The decision will be made available under the case number SA.122079 in the State aid register.

For further information, see the Commission's PR.

VI. National Investment and Development Banks

EUR 1 billion State aid for Romania's Investment and Development Bank (BID)

The measures consist of a capital increase, partly funded by the Recovery and Resilience Facility, as well as a three-year extension of the State guarantee backing **Banca de Investiții și Dezvoltare S.A. ('BID')** operations. The Commission has also approved an extension of the scope of the bank's activities beyond those authorised in 2023, to expand its activities to support scale-up companies and projects in strategic sectors, including defence, high-tech manufacturing, high-tech knowledge-intensive industries and cybersecurity.

The Commission assessed the measures under EU State aid rules, in particular Article 107(3)(c) TFEU. It found that the measures facilitate the development of economic activities across a range of sectors that continue to face financing gaps and difficulties in obtaining sufficient funding from the market. They are necessary and appropriate to improve access to finance for companies that encounter difficulties in securing adequate financing from private investors. The measures are proportionate as BID's interventions remain limited to areas where market failures have been identified and the financing provided will not exceed what is necessary to achieve the intended policy objectives. Finally, they contain sufficient safeguards to avoid undue negative effects on competition and trade in the EU.

For further information, see the Commission's PR.

VII. Opening of formal investigation

Post Danmark: Commission opens in-depth State aid investigation into a 2017 capital injection

Following a complaint about measures allegedly granted to Post Danmark, the Commission found in 2018 that a EUR 134 million (DKK 1 billion) capital injection in February 2017 from PostNord Group AB into Post Danmark did not constitute State aid. The decision was partially annulled by the General Court in May 2021 with the finding that the Commission did not conduct a sufficient examination of the capital injection and should have opened a formal investigation procedure. The Court of Justice confirmed the judgment in November 2022.

In line with the Court judgment, the Commission will now further investigate the capital injection and analyse imputability to the Danish and Swedish States and conformity with the MEOP.

The non-confidential version of the decision will be made available under the case number SA.47707 in the State aid register.

For further information, see the Commission's PR.

NEWS FROM THE EFTA SURVEILLANCE AUTHORITY

ESA adopts temporary State aid framework for sectors affected by the Middle East Crisis

The EFTA Surveillance Authority (ESA) has adopted the Middle East Crisis Temporary State Aid Framework ("METSAF"), providing EEA EFTA States with a temporary legal basis to support businesses affected by the economic consequences of the ongoing Middle East crisis. Mirroring the framework adopted by the European Commission for EU Member States on 29 April 2026, the METSAF enables Iceland, Liechtenstein and Norway to grant targeted aid to sectors particularly impacted by rising energy costs, including agriculture, fisheries, transport and energy-intensive industries.

The framework also introduces temporary amendments to Section 4.5 of ESA's Clean Industrial Deal State Aid Framework (CISAF), allowing for increased flexibility and higher aid intensities to address electricity price spikes. ESA will apply the METSAF when assessing aid measures notified by the EEA EFTA States from 1 March 2026 until 31 December 2026, ensuring a coordinated response across the EEA to the economic disruptions caused by the crisis.

For more information, see ESA's PR.

NEWS FROM THE COURTS

Court of Justice clarifies when the Commission has "defined its position" on a State aid complaint

The Court of Justice of the European Union (CJEU) has dismissed an appeal in case C-69/25 P against the General Court's judgement in Case T-141/23. In this ruling, the Court addresses the "definition of a position" by the Commission in response to a complainant's call to act.

The dispute arose when the Netherlands granted funding to beam trawlers. The complainants argued that this had to be assessed as unlawful State aid. The Commission saw no element constituting potential unlawful State aid. It responded with a "pre-closure letter" announcing it would close the file. An action for failure to adopt a decision was then launched by the complainants.

Confirming the General Court's approach and the case law, the Court has ruled that an institution is not required to systematically reproduce, in its reply to a call to act, the content of its earlier findings, nor even to refer expressly to them, where the complainant has demonstrably understood the institution's position. A reference to prior correspondence may suffice.

After the Commission has already made a position known in pre-litigation correspondence, a subsequent action for failure to act is unlikely to be considered admissible as the conditions of Article 265 TFEU are not satisfied.

The Court recalled that the issue of the conditions for the admissibility of an action for failure to act is distinct from the issue whether an act adopted by the EU institution to which the request was made, which brings its failure to act to an end, may be the subject of an action for annulment.

For further information, see the Court of Justice's judgment.

STATE AID CALENDAR

Upcoming:

8 July 2026	Judgment Case T-268/21 RENV *Ryanair v Commission (Italie ; régime d'aide ; COVID-19)*
8 July 2026	Judgment Case T-538/24 *Ryanair v Commission (Italie ; régime d'aide modifié ; COVID-19)*
9 July 2026	Judgment Case C-242/24 P *Commission v Allemagne (Aides à la cogénération)*
9 July 2026	Judgment Case C-360/25 *Schoger II*
15 July 2026	Judgment Case T-310/24 *Úsovsko Agro v Commission*

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Clayton & Segura are state aid lawyers with more than 20 years of experience.

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https://claytonsegura.com

Marianne Clayton
Partner

Maria Segura Catalán
Partner

Sofia Medina Sánchez
Junior Associate