



# ROMÂNIA

## CONSILIUL CONCURENȚEI



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### FORMAL OPINION

**On the modification of the *Regional development State aid scheme by supporting the investments in tourism within the Regional Operational Program 2007 – 2013* approved by the Order of the minister of development, public workings and housing no. 261/2008**

By analysing the following:

The Draft of *Order of the minister of regional development and tourism for the modification of the Regional development State aid scheme by supporting the investments in tourism within the Regional Operational Program 2007 – 2013* approved by Order of the minister of development, public workings and housing no. 261/2008 (hereby named the Project);

and

The Information sheet on the State aid granted in accordance with the *Commission Regulation (EC) no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty*<sup>1</sup>, submitted by the Ministry of Regional Development and Tourism, by the address no. 10286/17.02.2010, registered at the Competition Council with no. RG 1008/24.02.2010, in order to receive a formal opinion, and

ascertaining that:

1. By the Draft it is being approved the modification of a State aid scheme for regional development, by supporting the investments in tourism, scheme elaborated based on the *EC Regulation no. 1628/2006 on the application of Articles 87 and 88 of the Treaty to the national regional aid for investments*<sup>2</sup>, and, therefore, exempted from the notification obligation;
2. The main amendments brought to the scheme aim to increase the number of beneficiaries and its budget, to prolonge its validity period, to restrict the eligible activities' area, to modify certain eligibility criteria, to introduce the possibility to grant pre-financing to the beneficiaries;
3. The State aid scheme provisioned for by the Draft is valid until 31.12.2013. Its present budget, formed from communautaire (FEDER) and national funds, amount Euro 252.97 mil., the maximum number of beneficiaries being of 250.

<sup>1</sup> Published in the Official Journal of the European Union no. L 214/09.08.2008.

<sup>2</sup> Published in the Official Journal of the European Union no. L 302/01.11.2006.

4. The modified scheme is in compliance with the provisions stipulated by the *Commission Regulation (EC) no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty* which abolished the *EC Regulation no. 1628/2006*, and with the *Regional aid Map approved by the European Commission for Romania, for 2007 – 2013*<sup>3</sup>.

5. The information sheet meets the form and substance of the standard form enclosed in the Annex III to the *Commission Regulation (EC) no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty*.

### **COMPETITION COUNCIL**

Based on the *Competition Law no. 21/1996, republished* and on art. 8 recital (1) of the *Government Emergency Ordinance no. 117/2006 on the national procedures in the State aid field, approved with modifications and completions by the Law no. 137/2007*,

### **ISSUES FORMAL OPINION**

On the Draft of *Order of the minister of regional development and tourism for the modification of the Regional development State aid scheme by supporting the investments in tourism within the Regional Operational Program 2007 – 2013* approved by Order of the minister of development, public workings and housing no. 261/2008 and on the Draft of synthetic information sheet submitted by Romania in accordance with the *Commission Regulation (EC) no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty*,

With the following statement:

As within the Draft it is made a referral to the provisions of the Solicitor Guide, it is necessary to harmonize it with the modified State aid scheme and both of them to be published at the same time, on the grantor's web-page.

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<sup>3</sup> Approved by the Decision no. N 2/2007, published in the Official Journal of the European Union no. C 73/30.03.2007.