



## **FORMAL OPINION**

**on the Draft of Order of the minister of regional development and tourism  
for the amendment of the Annex to the Order of the minister of regional  
development, public workings and housing no. 287/2008 on the approval of  
the State aid scheme for regional development by creating and developing  
support structures for businesses within the Regional Operational  
Programme 2007 - 2013**

By analyzing the following:

*Draft of Order of the minister of regional development and tourism for the amendment of the Annex to the Order of the minister of regional development, public workings and housing no. 287/2008 on the approval of the State aid scheme for regional development by creating and developing support structures for businesses within the Regional Operational Programme 2007 - 2013 (hereby named the Draft)*

and

the draft of Information sheet for the State aid granted in accordance with the *EC Regulation 800/2008 declaring certain categories of aid compatible with the common market in application of Article 87 and 88 of the Treaty*<sup>1</sup>, submitted by the Ministry of Regional Development and Tourism by the address no. 42364/01.07.2010, registered at the Competition Council with no. RG 4773/06.07.2010, in order to receive a formal opinion,

and

ascertaining that:

1. By the *Draft* of order it is approved the amendment of a State aid scheme for regional development by creating and developing business support structures, scheme set up based on the *EC Regulation 1628/2006 in application of Article 87 and 88 of the Treaty to the national regional aid for investment*<sup>2</sup> and exempted from the obligation to be notified;
2. The main amendments brought to the scheme aim to prolong the validity period, the increase of the budget and number of beneficiaries, the modification of certain eligibility criteria, the introduction of the possibility to grant a pre-financing to the beneficiaries, the harmonization of the scheme with the new community regulations on the regional investment aid exempted from the obligation to notify.

<sup>1</sup> Published in the Official Journal of the EC no. L 214/2008.

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

3. The scheme amended in accordance with the Draft is valid until 31.12.2013. the present budget, formed from community funds (ERDF) and national funds amounts 552.33 million Euro, the estimated number of beneficiaries being of 30.
4. The amended scheme is in accordance with the provisions of the *EC Regulation 800/2008 declaring certain categories of aid compatible with the common market in application of Article 87 and 88 of the Treaty* which abolished the is *EC Regulation 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 content of the standard form enclosed in Annex III to the *EC Regulation 800/2008 declaring certain categories of aid compatible with the common market in application of Article 87 and 88 of the Treaty*.

### **COMPETITION COUNCIL**

Based on the *Competition Law no. 21/1996, republished with the subsequent amendments and completions* 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 amendment of the Annex to the Order of the minister of regional development, public workings and housing no. 287/2008 on the approval of the State aid scheme for regional development by creating and developing support structures for businesses within the Regional Operational Programme 2007 – 2013* and for the draft of Information sheet submitted by Romania in accordance with the *EC Regulation 800/2008 declaring certain categories of aid compatible with the common market in application of Article 87 and 88 of the Treaty*,

with the following comment:

as within the Draft it is made reference to the Solicitors' Guide, this has to be harmonized with the State aid scheme and 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.