



# ROMÂNIA

## CONSILIUL CONCURENȚEI



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### FORMAL OPINION

**On the amendment of the State aid scheme “*Support for the consolidation and modernization of the productive area through the investments undertaken by small and medium size enterprises*”, approved by the Order of the minister of economy, commerce and business environment no. 477/2008**

By analyzing

The Draft of Order of the minister of economy, commerce and business environment for the amendment of the State aid scheme “*Support for the consolidation and modernization of the productive area through the investments undertaken by small and medium size enterprises*” within the Operational Programme “Increase of the Economic Competitiveness”, approved by the Order of the minister of economy, commerce and business environment no. 477/2008 (hereby named the Draft)

and

The Draft of Synthetically 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> (General Block Exemption Regulation)*,

Submitted by the Ministry of Economy, Commerce and Business Environment by the address no. 152.712/17.03.2011, registered at the Competition Council with no. RG /4200/17.03.2011, in order to receive a formal opinion,

and

Ascertaining that:

1. By the Draft it is approved the amendment of a State aid scheme for regional development and support of the investments undertaken by the small and medium size enterprises from the productive sector, scheme set up based on the *Commission Regulation (EC) no. 1628/2006 on the application of Articles 87 and 88 of the Treaty to national regional investment aid<sup>2</sup>* and exempted from the obligation to notify;

2. The main amendment brought to the scheme sights out the increase of the budget;

<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.

3. The scheme set up by the Draft is in force until 31.12.2013. The present budget, formed from community funds (FEDR) and national funds amounts 223 million Euro and the estimated number of beneficiaries is 700;

4. The scheme is amended in accordance with the provisions of 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 recalled the *Commission Regulation (EC) no. 1628/2006* and with the Regional State 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 economy, commerce and business environment for the amendment of the State aid scheme "Support for the consolidation and modernization of the productive area through the investments undertaken by small and medium size enterprises"*, approved by the Order of the minister of economy, commerce and business environment no. 477/2008 and the synthetically *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 specification:

As within the Draft it is made reference to the provisions of the Solicitor's Guide, it is necessary to be harmonized with the amended 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 EC Decision N 2/2007, published in the Official Journal of the European Union no. C 73/30.03.2007.