



ROMÂNIA

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FORMAL OPINION

On the amendment of the regional State aid scheme on the capitalization of the renewable energy resources, set up by the Government Decision no.750/2008

By analyzing the following:

Draft of Government Decision for the amendment and completion of the regional State aid scheme on the capitalization of the renewable energy resources, approved by the Government Decision no. 750/2008 (hereby named the *Draft*)

and

The draft of 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 (General block exemption Regulation)*¹,

submitted by the Ministry of Economy, Commerce and Business Environment by the address no. 78719/31.05.2011, registered at the Competition Council with no. RG 8044/06.06.2011, in order to receive a formal opinion,

and ascertaining that:

1. By the Draft it is approved the amendment of a regional State aid scheme on the capitalization of the renewable energy resources, scheme set up in accordance with the *Commission Regulation (EC) no. 1628/2006 in application of Articles 87 and 88 of the EC Treaty to the national regional investment aid*² and therefore, exempted from the notification obligation;
2. The amended scheme is set up 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* which abolished the *EC Regulation no. 1628/2006* and with the Regional State aid map approved by the European Commission for Romania for 2007 - 2013³;
3. The objective of the scheme is to support the economic operators to make investments in order to capitalize the renewable energy resources (solar sources, wind, hydro-energetically sources for systems having more than 10 MW installed power, bio-mass, geo-thermal sources, wave source, bio-gas, gases resulted from the ferment of waste –

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

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

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

4. deposit gas, gas from the ferment of mud from the installations for purifying waste waters) in order to produce electricity and thermal energy;
5. The main amendment brought to the scheme is the increase of its budget, from 200.000.000 Euro to 435.000.000 Euro, of which 382.800.000 Euro represent European non-reimbursable funds ensured by the European Regional Development Fund and 52.200.000 Euro represent national funds;
6. The scheme established by the Government Decision no.750/2008 and amended by the Draft is valid until 31.12.2013, the estimated number of beneficiaries being of 300;
7. The Information sheet meets the form and content of the standard form enclosed in 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 amendment of the regional State aid scheme on the capitalization of the renewable energy resources, set up by the *Draft of Government Decision for the amendment and completion of the regional State aid scheme on the capitalization of the renewable energy resources*, approved by the Government Decision no.750/2008 and for the 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 comment:

By the *Draft of Government Decision* it is proposed the abolishment of art. 31 which stipulated the need that the economic operator submits the aid request before starting its activity. This provision was taken over in art. 8 recital (2) and (3) in the *Commission Regulation (EC) no. 800/2008* which abolished the *EC Regulation no. 1628/2006* and, therefore, it has to be kept in the scheme. For that matter, albeit the fact that by the *Draft of Government Decision* it is proposed the abolishment of art. 31, at art. 36 recital (1) letter c) it is made reference to that article.