



FORMAL OPINION

on the Information sheet regarding the State aid scheme for the „Development of the support structures for business of national and international interest – Competitiveness Poles”

By analyzing the following:

Draft of Order of the minister of economy, trade and business environment for the approval of the State aid scheme on the „Development of the support structures for business of national and international interest – Competitiveness Poles”, related to the Operation 1.3.1 „Development of the support structures for the business of national and international interest” Major intervention field 1.3 „Lasting development of the entrepreneurship” Priority Axis 1 „An innovative and eco-efficient production system”, within the Sectoral Operational Programme “Increase of the Economic Competitiveness”

and

*the 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*¹

submitted by the Ministry of Economy, Trade and Business Environment by the address no. 156436/12.08.2011, completed by the address no. 156808/31.08.2011, registered at the Competition Council with no. RG 11734/17.08.2011 and RG 12465/31.08.2011, in order to receive a formal opinion,

and

ascertaining that:

1. By the *Draft* of order it is approved a State aid scheme having as objective to support the creation and development of competitiveness poles of national interest and international visibility in Romania,
2. Within this State aid scheme, aid is granted for accomplishing common projects proposed by the associations established exclusively between the members of a competitiveness pole; a competitiveness pole represents an association, within a well-defined geographical area, between enterprises, research bodies, universities, local public authorities and catalysis based on a common development strategy aiming to generate synergies around certain innovative project oriented towards one or more markets; a competitiveness pole may be set up as a legal entity or may function based on partnership agreements signed up between its members, the competitiveness pole

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

quality being proved based on three elements: **the members** (the compulsory existence within the pole of two types of entity, namely enterprises and bodies/research organizations/universities and, optionally, local public authorities and catalyst), **the association** (having as result either a legal person or an entity functioning based on a formal association agreement signed by its members) and **the development strategy** of the pole, which is a formally agreed document (signed) by all the pole's members;

3. The State aid scheme was elaborated in accordance with the provisions within 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*, being exempted from the obligation to be notified to the European Commission;
4. The following types of aid may be granted within the scheme: regional aids for investment and employment, aid for consultancy in favor of SMEs and SME participation in fairs, aid for research and development activities, aid for technical feasibility studies, aid for covering the costs related to the SME's industrial property, aid for newly established innovative enterprises, aid for consultancy in the field of innovation and innovation support services, aid for renting highly qualified personnel, training aid;
5. Within the present State aid scheme three types of projects may be submitted for financing: investment projects in the competitiveness poles' infrastructure, research-development- innovation projects, soft projects (consultancy, SME's participation to fairs, technical feasibility studies, SME's industrial property, renting highly qualified personnel, training);
6. The scheme applies to all Romanian development regions, the beneficiaries being allowed to perform their activity in the production, services and construction field, except from the activity fields provisioned for at art. 1, recital (2) and recital (3) in 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*; furthermore, for the regional investment aid, the scheme provisions for the possibility to be granted for certain economic sectors expressly specified;
7. The beneficiaries of the State aid scheme are enterprises within the competitiveness poles that can be legally organized as follows: undertakings in accordance with the Law no. 31/1990 with the subsequent amendments and completions, accredited private higher education institutions which fall under the definition of „research body/organization”, legal entities having as main activity research-development, regardless their organizing form, which do not fall under the definition of „research body/organization”;
8. The aids granted within this scheme are transparent, representing non-reimbursable allocations not exceeding the maximum limit provisioned for in the *EC Regulation 800/2008*;
9. The scheme set up by the Draft of order is valid until 31.12.2013, its budget being formed from community funds and national funds amounting 60 million Euro, and the estimated number of beneficiaries is of 5;
10. 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 economy, trade and business environment for the approval of the State aid scheme on „Development of the support structures for business of national and international interest – Competitiveness Poles”* 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.