



FORMAL OPINION

On the Information on the State aid scheme for implementing the operation „*Support for the integration of the enterprises within the suppliers' chains or in clusters*”

By analyzing

The Draft of Order of the minister of economy, commerce and business environment for the approval of the State aid scheme for the implementing of the operation **„*Support for the integration of the enterprises within the suppliers' chains or in clusters*”** within the Major intervention Area 1.3. „Lasting development of entrepreneurship” of the Sectoral Operational Programme „Increase of the Economic Competitiveness”

and

the draft of synthetically Information sheet on the State aid to be 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*¹ (*General Block Exemption Regulation*),

submitted by the Ministry of Economy, Commerce and Business Environment by the address no. 230083/19.07.2012, registered at the Competition Council with no. RG 9358/20.07.2012,

and

ascertaining that:

1. By the Draft of order it is approved a State aid scheme having as objective to foster the development of clusters and value chains, especially by supporting the enterprises' integration, particularly the SMEs, within these business structures;
2. The State aid scheme was elaborated 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*, being exempted from the obligation to be notified to the European Commission;

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

3. Within this scheme are to be financed projects proposed by the management entities of the innovative clusters, which are circumscribed to the medium term development plans for clusters; the innovative cluster is a formally organized cluster, having as objective the encouragement of innovative activities by promoting sustained interactions between its members (exchange of facilities, know-how and expertise) and by the actual contribution of to research, development, innovation, technological transfer, networking and information dissemination between the cluster's members;
4. The following types of aid are to be granted within the scheme: aids for consultancy for SMEs, aids for research and development projects, aids for preparatory technical feasibility studies for industrial research or experimental development activities, aids for consultancy services in innovation and services supporting innovation, aids for renting highly qualified personnel;
5. The scheme is applicable to all Romania's development regions, the beneficiaries being allowed to perform their activity in all economic sectors, except from those stipulated at art. 1 recital (2) and (3) in 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*;
6. The beneficiaries of the State aid scheme are the management entities of the innovative clusters; these are associations² performing non-profit economic activities, fulfill management and coordination attributions for the activities of the projects carried on at the cluster's level, which promote the cluster's image as a whole and supports the consolidation of the cooperation between its members and the draw of new members;
7. The State aids granted within this scheme are transparent, taking the form of non-reimbursable financial allocations not exceeding the maximum intensity provisioned for in the *EC Regulation no. 800/2008*;
8. The scheme set-up by the draft of Order is valid for the period 2012-2013, its budget being formed from Community funds and national funds which sum up 8,000,000 euro, and the estimated number of beneficiaries is of 8;
9. 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*.

² Entities having legal entity which represent the business environment, established based on the GO no. 26/2000 regarding the associations and foundations approved with amendments and completions by the Law no. 246/2005.

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 amendments 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 approval of the State aid scheme for the implementing of the operation „**Support for the integration of the enterprises within the suppliers' chains or in clusters**”* and on the draft of synthetically Information sheet submitted by Romania 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,*

With the following comment:

As in the draft of order 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.