



FORMAL OPINION

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

By analyzing

The draft of Order of the Minister of Economy, Trade and Business Environment for the approval of the State aid scheme *„Development of the support structures for the business of national and international interest – Competitiveness Poles”*, within the Operation 1.3.1. „Development of 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 draft of synthetic 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 Treaty¹ (General Block Exemption Regulation)*,

submitted by the Ministry of Economy, Commerce and Business Environment by the address no. 159606/15.12.2011, registered at the Competition Council with no. RG 16861/15.12.2011, 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 the competitiveness poles of national and international interest in Romania;
2. The State aid scheme was approved by the Order of the minister of Economy, Trade and Business Environment no. 2669/2011, published in the Official Monitor of Romania no. 1671/03.11.2011, the synthetically information sheet related to this scheme being already assessed by the Competition Council by the Formal Opinion no. 11734/07.09.2011. Taking into consideration that, after the Coordination Committee of the operation and the Management

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

Authority have received certain suggestions as a result of the public consultations on the Solicitors' Guide, the State aid scheme was significantly amended, not being applied in the assessed form, the Ministry of Economy, Trade and Business Environment has sent the new draft of Order which abolishes the Order no. 2669/2011 and approves the State aid scheme in its new form.

3. Within this State aid scheme, aid is granted for the achievement of common projects proposed by the associations established exclusively between the members of one competitiveness pole; a competitiveness pole represents an association, within a well-defined geographical area, between enterprises, research bodies, universities, local public authorities and catalysts, being based on a common development strategy in the aim to generate synergies around certain innovative projects oriented towards one or more markets; a competitiveness pole may be established as a legal entity or may function as well based on partnership agreements between its members, the competitiveness pole quality being proved by three elements: **the constituent** (the compulsory existence within the pole of two types of entities, namely enterprises and research bodies/organizations /universities and, discretionary, the local public authorities and the catalysts), **the association** (having as result either a legal person or an entity functioning based on a formal association agreement signed by the pole's members) and **the development strategy** of the pole, which is a document formally undertaken (signed) by all the members in the pole;
4. 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 notification obligation institutionalized by the European Commission;
5. Within the scheme there are granted the following types of State aid: regional aid for investments and for employment, State aid for consultancy in the benefit of the SMEs, State aid for the SMEs' participation to fairs, aid for research and development activities, aid for technical feasibility studies, aid for covering the expenses related to the industrial property rights of the SMEs, aid for newly created innovative enterprises, aid for consultancy services in the field of innovation and innovation support services, aid for renting highly qualified personnel;
6. Three types of projects can be submitted to receive financing within the present State aid scheme: projects for the investment in the infrastructure of the competitiveness poles; research –development-innovation projects; soft projects (consultancy, the SMEs participation to fairs, technical feasibility studies, rights of industrial property of the SMEs, renting highly qualified personnel);
7. The scheme is applicable to all development regions within Romania, the beneficiaries being able to perform their activity in the production, services, construction field, except from the activity sectors provisioned at art. 1 recital (2) and recital (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*; furthermore, for the regional investment aid,

the scheme provisions the possibility to grant it for certain economic sectors expressly specified;

8. The beneficiaries of the State aid scheme are the enterprises within the competitiveness poles that can be legally organized as follows: undertakings registered in accordance with the Law no. 31/1990 with the subsequent amendments and completions, private higher education institutions accredited which fall under the definition of „research body/organization”, legal entities having as main activity research-development, regardless their organization form, which do not fall under the definition of „research body/organization”;
9. The aids granted within this scheme are transparent, in the form of non-reimbursable financial allocations, without exceeding the maximum intensity set up in the *Regulation (EC) no. 800/2008*;
10. The scheme provisioned for by the draft of Order is valid during 2012-2013, its budget being established from Community funds and national funds amounting 60 million Euro, and the estimated number of beneficiaries is of 12;
11. 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 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 „*Development of the support structures for the business of national and international interest – Competitiveness Poles*” and the draft of 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.