



ROMÂNIA

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FORMAL OPINION

on the amendment of the State aid scheme established through the Order of the minister of economy no.2162/07.11.2013 on the approval of the regional State aid scheme for “The financing of the projects through the Programme energy efficiency within the Financial Mechanism of the European Economic Area 2009-2014”

By analyzing

The Draft of Order of the minister of economy for the approval of the regional State aid scheme for “The financing of the projects through the Programme energy efficiency within the Financial Mechanism of the European Economic Area 2009-2014”

and

The draft of Information sheet in accordance with 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 (hereby named Regulation)*,

submitted by the Ministry of Economy, by the address no. 153246/17.12.2013, registered at the Competition Council with no. RG 14621/18.12.2013, in order to receive a formal opinion,

and

ascertaining that:

1. On 28.11.2013 Romania has submitted to the European Commission, through the State aid notification interactive system the information sheet related to the regional State aid scheme for “The financing of the projects through the Programme energy efficiency within the Financial Mechanism of the European Economic Area 2009-2014”, approved by the Order of the minister of economy no. 2162/07.11.2013.
2. The Draft of order of the minister of economy, submitted to the Competition Council amends the scheme mentioned at point 1, namely it increases the budget of the scheme (from 9,200,000 Euro to 9,411,765 Euro) and extends the viability period until June the 30th, 2014, without bringing any other modifications to the State aid granting conditions.
3. The scheme is elaborated in applying the operation provisioned for by the Programme energy efficiency, through the Memorandum of Understanding for the European Economic Area Financial Mechanism (hereby named MFSEE).
4. The objective of the scheme is making investments in order to increase energy efficiency in industry, in order to achieve a lasting regional development in Romania. The beneficiaries

of the scheme can be the economic operators, small and medium size enterprises, from all the industrial sectors allowed by the Regulation, who make initial investments in any of the 8 development regions of the country.

5. The State aid scheme was set-up fulfilling the conditions provisioned for by the Regulation (scope, maximum intensities, eligible costs, beneficiary's contribution, transparent manner for granting the aid, as grants, stimulating effect, minimum period for maintaining the investment in the beneficiary region) and by the *Commission Regulation (EU) No 1224/2013 amending Regulation (EC) No 800/2008 as regard of its period of application*.

6. The Information sheet is completed in accordance with 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 Law on competition no. 21/1996, republished, with the subsequent amendments and completions and of 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 for the approval of the regional State aid scheme for "The financing of the projects through the Programme energy efficiency within the Financial Mechanism of the European Economic Area 2009-2014" and the draft of the related Information sheet, completed in accordance with the reporting obligation provisioned for at art. 9 recital (1) 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*.