



ROMÂNIA

CONSILIUL CONCURENȚEI



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FORMAL OPINION

on the extension of the horizontal State aid scheme for lasting development and the reduction of emissions

By analyzing

The Draft of Government Decision for the amendment of the Government Decision no. 718/2008 on the approval of the *horizontal State aid scheme for lasting development and the reduction of emissions* within the Axis IV of SOP Increase of Economic Competitiveness (hereby named the Draft of Decision)

and

The draft of Information sheet attached to the Draft of Decision,

submitted by the Ministry of Economy, Department for Energy, by the address no. 279309/17.12.2013, registered at the Competition Council with no. RG 14605/17.12.2013, in order to receive a formal opinion,

and

ascertaining that:

1. The horizontal State aid scheme for lasting development and the reduction of emissions was set-up based on the provisions of the *Regulation (EC) no. 1628/2006 on the application of Articles 87 and 88 of the EC Treaty for the national regional aid for investments*, published in the Official Journal of the European Union no. L 302 of November the 1st, 2006. The scheme expires on 31.12.2013;
2. The Regulation (EC) no. 1628/2006 is no longer in force, being replaced by the *Regulation no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty*;
3. The European Commission has approved the extension of the Regulation no. 800/2008 by the *Commission Regulation (EU) No 1224/2013 amending Regulation (EC) No 800/2008 as regard of its period of application* until June the 30th, 2014. At the same time, the European Commission has approved, through the Decision no. C (2013) 7177 final, the extension, until June the 30th, 2014 of the Regional aid map for Romania for the period 2007-2013¹;

¹ Approved by the Decision no. N 2/2007, published in the Official Journal of the European Union no. C 73/30.03.2007.

4. By the Draft of Decision it is prolonged the scheme's application period until June the 30th, 2014.

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 Decision and on the Draft of synthetic information sheet to be submitted by Romania to the European Commission, with the following condition:

To harmonize the scheme enclosed in the Draft of order with the provisions of the Regulation no. 800/2008, until the end of the current year. This condition is reasoned by the fact that the scheme was set-up based on the *Regulation (EC) no. 1628/2006* which is no longer into force and the Commission has approved the extension of the *Regulation no. 800/2008* until June the 30th, 2014.

Otherwise, the Ministry of Economy, Department for Energy, as a State aid grantor, may initiate a new State aid scheme with the same objective, for a 6 months period, namely until June the 30th, 2014 which shall meet the criteria and conditions stipulated by the Regulation no. 800/2008.