



ROMÂNIA

CONSILIUL CONCURENȚEI



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FORMAL OPINION

on the extension of the State aid scheme for the investments made by small and medium size enterprises in order to develop the e-economy

By analyzing

The Draft of Order of the minister of economy for the amendment and completion of the Order no. 2229 of June the 22, 2008, amended by the Order no. 1193/2009, on the approval of the State aid scheme “Aid for the investments made by small and medium size enterprises in order to develop the e-economy”, related to the operations 3.3.1 “Support for integrated ITC systems and other electronic applications for business” and 3.3.2 “Support for the development of electronic trade systems and of other on-line business solutions”, major intervention field 3.3 “Support of e-economy”, priority axis 3 “Information and communication technology for the public and private sectors” within the Operational Sectoral Programme “Increase of the economic competitiveness” (hereby named Draft of order)

and

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

submitted by the Ministry of Economy, by the address no. 311355/17.12.2013, registered at the Competition Council with no. RG 14620/18.12.2013, in order to receive a formal opinion,

and

ascertaining that:

1. The State aid scheme for the investments made by small and medium size enterprises in order to develop the e-economy 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 The *Regulation (EC) no. 1628/2006* is no longer in force, being replaced by the *Regulation no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of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 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;

4. By the Draft of order 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 Order and on the Draft of synthetic information sheet to be submitted by Romania to the European Commission, with the following conditions:

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, 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.

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