



# ROMÂNIA

## CONSILIUL CONCURENȚEI



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### FORMAL OPINION

**On the regional State aid scheme regarding waste management through recycling technologies, increase of the production of energy from renewable energy sources and protection of water resources by applying pre-purge treatment technologies for the non-hazardous wastewater**

By analyzing the following:

Draft of Decision of the Advising Committee of the Environment Fund Administration for the approval of the *Regional State aid scheme regarding waste management through recycling technologies, increase of the production of energy from renewable energy sources and protection of water resources by applying pre-purge treatment technologies for the non-hazardous wastewater* (hereby named the *Draft of Decision*)

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 Treaty (General block exemption Regulation)*<sup>1</sup>, whose application was prolonged until the 30<sup>th</sup> of June, 2014, through the *Commission Regulation (EU) No 1224/2013 amending Regulation (EC) No 800/2008 as regard of its period of application*<sup>2</sup>

submitted by the Environment Fund Administration, by the address no. 381738/05.12.2013, registered at the Competition Council with no. RG 14156/05.12.2013, in order to receive a formal opinion,

and

ascertaining that:

1. By the *Draft of Decision* it is approved a regional State aid scheme exempted from the notification obligation, scheme granting financial support to the economic operators in order to achieve investments for the capitalization of renewable energy resources, for the promotion of the technologies which allow the reduction of resulted wastes, their adequate storage and efficient re-use, as well as for investing in installations and equipment for recycling non-hazardous wastes, as well as for pre-purge stations for the non-hazardous wastewater;

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

<sup>2</sup> Published in the Official Journal of the European Union no. L 320/30.11.2013.

2. The scheme is set up 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* whose application was prolonged until the 30<sup>th</sup> of June, 2014, through the *Commission Regulation (EU) No 1224/2013 amending Regulation (EC) No 800/2008 as regard of its period of application* and meets the intensities provisioned for by the Regional State aid map approved by the European Commission for Romania for 2007 - 2013<sup>3</sup>, prolonged until June the 30<sup>th</sup>, 2014 by the EC Decision no. C (2013) 7177 final;
3. The objective of the scheme is to support the economic operators to make initial investments<sup>4</sup> in order to make installations to produce electricity and thermo-energy, by capitalizing the renewable energy sources, making installations and equipment for recycling the wastes resulted from the production process, as well as for pre-purge stations for the non-hazardous wastewater;
4. The State aid scheme is addressed to the economic operators from all economic sectors<sup>5</sup> which make initial investments in any one of the 8 development regions of Romania;
5. Within the Scheme it is granted financial support for three financing programmes, as follows:
  - The Programme on waste management through recycling technologies;
  - The Programme on the protection of water resources by applying pre-purge technologies for the non-hazardous wastewaters;
  - The Programme RO 06 Renewable Energy (RONDINE);
6. The financing consists in granting certain non-reimbursable amounts (grants) and it is ensured thorough the budget of the Environment Fund Administration for the first two programmes presented at point 5 above and from non-reimbursable European funds ensured from the Financial Mechanism for the European Economic Area 2009 -2014 (MFSEE) and public co-fianning funds ensured from the budget of the Environment Fund Administration, or the third programme;
7. The total estimated budget of the scheme is of **Euro 15,636,536** (equivalent in ron), as follows:

<b>Financing Programme</b>	<b>Budget (euro)</b>
1. The Programme on waste management through recycling technologies	1,118,268
2. The Programme on the protection of water resources through pre-purge technologies for non-hazardous wastewater	1,118,268
3. The Programme RO 06 Renewable Energy (RONDINE)	13,400,000
<b>TOTAL</b>	<b>15,636,536</b>

8. The thresholds of the eligible amount for each project within the Programme RO 06 Renewable Energy (RONDINE) are between 170,000 and 6,700,000 Euro.

<sup>3</sup> Approved by the Decision no. N 2/2007, published in the Official Journal of the European Union no. C 73/30.03.2007.

<sup>4</sup> In accordance with the definition from the

<sup>5</sup> With the exemptions provisioned for in the Regulation no. 800/2008, as mentioned at art. 7 in the support scheme, annex to the Decision of the Advising Committee of the Environment Fund Administration

9. The intensity of the granted State aid cannot exceed:
- 40% of the total eligible costs, if the investments are made within the Bucharest-Ilfov region;
  - 50% of the total of eligible costs, for all the other development regions.
10. The beneficiaries of the support granted within the scheme are large undertakings as well as small and medium size enterprises. The estimated number of beneficiaries is 25;
11. The projects financed within the scheme must fulfill the criteria and the eligibility conditions stipulated in the EC Regulation no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty, as well as the conditions specified in the financing Guide of the Programme RO 06 Renewable Energy (RONDINE), the Programme on waste management through recycling technologies, as well as of the Programme on the protection of water resources through pre-purge technologies for non-hazardous wastewater;
12. The scheme set-up by the Draft of Decision of the Advising Committee of the Environment Fund Administration is valid until 30.06.2014;
13. The Information sheet meets the form and content of 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 Decision of the Advising Committee of the Environment Fund Administration for the approval of the *Regional State aid scheme regarding waste management through recycling technologies, increase of the production of energy from renewable energy sources and protection of water resources by applying pre-purge treatment technologies for the non-hazardous wastewater*, and for the Draft of Synthetic Information sheet to be 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 EC Treaty*,

With the following addition:

The completion of art. 2 of the Draft of Decision of the Advising Committee of the Environment Fund Administration, as well as of art. 2 (1) in the scheme annexed to it, with a mention to the *Commission Regulation (EU) No 1224/2013 amending Regulation (EC) No 800/2008 as regard of its period of application*, published in the Official Journal of the European Union no. L 320 of 30.11.2013, which prolonged the validity period of the Regulation no.800/2008 until June the 30<sup>th</sup>, 2014.