



**FORMAL OPINION**  
**on the Draft amending of De minimis aid scheme for “The financing of projects through the Energy Efficiency Program within the Financial Mechanism of the European Economic Area 2009-2014”**

By analyzing

The Draft amending of de minimis aid scheme for “The financing of the projects through the Energy Efficiency Program within the Financial Mechanism of the European Economic Area 2009-2014”

submitted by the Ministry of Economy, Trade and Tourism, by the address no. 220150/20.01.2015, registered at the Competition Council with no. RG/784/27.01.2015, in order to receive a formal opinion,

and ascertaining that:

1. De minimis aid scheme is part of the Memorandum of Understanding between Iceland, Liechtenstein, Norway and the Romanian Government on the implementation of the Financial Mechanism of the European Economic Area 2009-2014 (FMEEA). EEA Grants, in which RO 05-Energy Efficiency Program is funded, are granted to the beneficiary EU Member States (counting 16) under Protocol 38b to the EEA Agreement on the EEA Financial Mechanism 2009-2014 and the agreement between the European Union and EEA States on EEA Financial Mechanism 2009-2014.

2. The Scheme was set up based on the Regulation (EC) no 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid<sup>1</sup>;

3. De minimis aid scheme complies with Government Emergency Ordinance no. 77 of 3 December 2014 regarding national procedures in the state aid field and the amendment and completion of the Competition Law no. 21/1996<sup>2</sup>, with the following specifications:

- the de minimis aid scheme complies with art. 3 paragraph (4) of the GEO no. 77/2014 due to the fact that nonreimbursable external grants, awarded through the scheme, are allocated to Romania on the basis of agreements and decisions approved by the European Union, which are implemented through screening programs of the European Commission;

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<sup>1</sup> Published in the Official Journal of the European Union no L 352/24.12.2013, final paper

<sup>2</sup> Published in the Official Gazette of Romania, part I, no. 893/9.12.2014

- being funded from European funds, de minimis aid scheme shall comply with art. 7 paragraph (4) of the GEO no. 77/2014.

4. The objectives of this scheme are the following:

- to carry out initial investments in order to improve energy efficiency in industry
- to promote sustainable development;
- to promote economic and social cohesion between Romania, the European Union and European Economic Area;
- to improve the quality of life.

5. The scheme is valid until 30 April 2016.

6. Support measures for enterprises for investments consists of awarding grants from EU and national funds. The maximum amount of funding (state aid intensity) is 70% of eligible costs, namely minimum euro 60.000 and maximum euro 200.000.

7. The total estimated budget allocated to the scheme is euro 6.953 million (equivalent in lei), out of which euro 5.726 million (equivalent in lei) is nonreimbursable european funds ensured by FMEEA and euro 1.227 million (equivalent in lei) represent public co-funding provided by the state budget through the Ministry of Economy, Trade and Tourism.

8. The maximum number of beneficiaries is 115.

## **COMPETITION COUNCIL**

Based on art. 7 point (5) of the Government Emergency Ordinance no. 77 of 3 December 2014 regarding national procedures in the state aid field and the amendment and completion of the Competition Law no. 21/1996,

## **ISSUES FORMAL OPINION**

On the Draft amending of de minimis aid scheme for “The financing of the projects through the Program energy efficiency within the Financial Mechanism of the European Economic Area 2009-2014”, pursuant to the Regulation (EC) no 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid.