



FORMAL OPINION

On the extension of the State aid scheme set-up by the Government Decision no. 1680/2008 for setting up a State aid scheme on ensuring a sustainable economic development

By analyzing

The *Government Decision no. 956/04.12.2013 for modifying the Government Decision no. 1680/2008 for setting up a State aid scheme on ensuring a sustainable economic development*

and

The synthetic *Information sheet* elaborated 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*,

Submitted by the Ministry of Public Finance by the address no. 11803/18.12.2013, registered at the Competition Council with no. RG 14634/18.12.2013, in order to receive a formal opinion,

and

ascertaining that:

1. On 15.01.2009 Romania has submitted as information to the European Commission the Information sheet related to the State aid measure set-up by the *Government Decision no. 1680/2008 for setting up a State aid scheme on ensuring a sustainable economic development*.

2. The State aid scheme was repeatedly amended in 2010 and 2011 and the modifications were submitted to the European Commission on 15.08.2010 and 18.05.2011.

3. The facilities set-up by the State aid scheme are granted to those undertakings registered in accordance with the Law no. 31/1990 on undertakings, republished, with the subsequent amendments and completions, who invest in Romania and fall under one of the following categories:

a) Make an initial investment with an amount between 5 and 10 million Euro, inclusively, the equivalent in RON and create a minimum of 50 new jobs as a result of the initial investment,

b) Make an initial investment with an amount between 10 and 20 million Euro, inclusively, the equivalent in RON and create a minimum of 1000 new jobs as a result of the initial investment,

c) Make an initial investment with an amount between 20 and 30 million Euro, inclusively, the equivalent in RON and create a minimum of 200 new jobs as a result of the initial investment,

d) Make an initial investment with an amount exceeding 30 million Euro, the equivalent in RON, and create a minimum of 300 new jobs as a result of the initial investment.

4. The budget of the scheme is of 1 billion Euro, with an average annual budget of 200 million Euro, within the limit of the annual budgetary thresholds, the equivalent in RON.

5. The total estimated number of undertakings to benefit of State aid based on the scheme is of 150, the annual average number of beneficiaries being of 30.

6. The scheme established by the GD no. 1680/2008 is applicable until December the 31st, 2013, with the fulfilment of the conditions provisioned by the *Regulation (EC) no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87and 88 of the Treaty*.

7. The European Commission has approved the extension of the *Regulation (EC) no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87and 88 of the Treaty* until June the 30th,2014. At the same time, the European Commission has approved, by the EC Decision no. C (2013)7177 final, the extension, until June the 30th, 2014, of the Regional aid map for Romania, for the period 2007- 2013.

8. The Government Decision submitted to the Competition Council does not bring any amendments to the conditions for granting the State aid and does not modify the budget of the scheme, the only amendment aiming to extend the validity of the scheme until June the 30th, 2014.

9. The information sheet meets the form and substance of the standard form enclosed in 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 87and 88 of the Treaty*.

COMPETITION COUNCIL

Based on the *Competition Law no. 21/1996, republished, with the subsequent amendments and completions* and on art. 8 recital (1) of the *Government Emergency Ordinance no. 117/2006 on the national procedures in the State aid field, approved with modifications and completions by the Law no. 137/2007*,

ISSUES FORMAL OPINION

On the Draft of *Information sheet* related to the Government Decision no. 956/04.12.2013 for modifying the Government Decision no. 1680/2008 for setting up a State aid scheme on ensuring a sustainable economic development.