



FORMAL OPINION

On the Government Decision no. 332/2014 establishing a State aid scheme to support investments that promote regional development by creating jobs

By analyzing

Government Decision no. 332/2014 establishing a State aid scheme to support investments that promote regional development by creating jobs (hereby named the GD no. 332/2014)

and

The draft of synthetic Information sheet on the State aid granted in accordance with the *Commission Regulation (EC) no. 651/17.06.2014 declaring certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty*¹,

submitted by the Ministry of Public Finance, by the address no. 55207/07.07.2014, registered at the Competition Council with no. RG 7874/08.07.2014, in order to receive a formal opinion,

and

ascertaining that:

1. By the Government Decision no. 332/2014 was established a State aid scheme to support investments in order to create jobs. The scheme was elaborated based on 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* and meets the intensities provisioned for in the Regional Aid Map approved by the European Commission for Romania for the period 2014 - 2020²;
2. The scheme provisioned for by the Government Decision no. 332/2014 received a favorable formal opinion from the Competition Council on 10.04.2014, provided that it shall apply until June the 30th, 2014;
3. The EC Regulation no. 800/2008 was replaced, as of June the 1st 2014 by the *Commission Regulation (EC) no. 651/17.06.2014 declaring certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty*.
4. The State aid scheme continues to meet the European provisions on State aid, only if:

¹ Published in the Official Journal of the European Union no. L 187/26.06.2014.

² Approved by the EC Decision on the State aid no. SA38364 (2014/N) – Romania.

- the preamble and art. 2 recital (1) of the GD no. 332/2014 shall be modified, by replacing the reference to the Regulation (EC) no. 800/2008 of August the 6th, 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty, who's validity ended on 30.06.2014, with the Regulation (EC) no. 651/17.06.2014 of June the 17th, 2014 declaring certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty,
- art. 9 recital (2) of the GD no. 332/2014 shall be harmonized with the provisions of art. 2 point 20 of the Regulation (EC) no. 651/2014 (the formula for calculating the State aid for large investment projects),
- art. 13 letter a) of GD no.332/2014 shall be harmonized with the art.1 recital (3) letter a) of the Regulation (EU) no. 651/2014 (exempted aids: aids granted for fishery and aqua-culture, as regulated by the Regulation (EU) no.1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organization of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing council Regulation (EC) No 104/2000),
- art.13 letter e) of the GD 332/2014 shall be harmonized with the provisions of art. 13 letter (a) of the Regulation (EC) no.651/2014 (exempted sectors: the transport sector and related infrastructures, energy sector and the infrastructure build up for it),
- art. 15 recital (1) letter d) of the GD no.332/2014 shall be harmonized with the provisions of art. 2 recital 18 of the Regulation (EC) no. 651/2014 (the definition of undertakings in difficulty),
- art.1 letter f) of the Annex 2 to the GD no.332/2014 shall be harmonized with the provisions of art. 2 point 23 of the Regulation (EU) no. 651/2014 (the definition of start of works),
- art. 1 letter j) of the Annex no.2 to the GD no.332/2014 shall be harmonized with the provisions of art. 2 point 30 in the Regulation (EU) no.651/2014 (the definition of intangible assets),
- art.11 letter k) of the Annex no.2 to the GD no. 332/2014 shall be harmonized with the provisions of art. 2 point 49 of the Regulation (EU) no. 651/2014 (definition of the initial investment),
- art.1 letter aa) of the Annex no.2 to the GD no.332/2014 shall be harmonized with the provisions of art.2 point 9 of the Regulation (EU) no. 651/2014 (definition – primary agricultural production),
- art.1 of the Annex no.2 to the GD no. 332/2014 shall be completed with the provisions of art.2 point 8 of the Regulation (EU) no. 651/2014 (definition of marketing of agricultural production),
- art.1 of the Annex no.2 to the GD no. 332/2014 shall be completed with the provisions of art.2 point 11 of the Regulation (EU) no. 651/2014 (definition of agricultural products).

5. The objective of the scheme is to support the undertakings to make investments promoting the regional development through creating jobs.
6. The scheme is valid until December the 31st, 2020.
7. The conditions on eligible costs and maintaining jobs, as provisioned by the *Regulation (EC) no. 651/17.06.2014 declaring certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty* are being met.
8. The Information sheet fulfils the form and content of the standard form enclosed in Annex II to the *Commission Regulation (EC) no. 651/17.06.2014 declaring certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty*.

COMPETITION COUNCIL

Based on 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 *State aid scheme to support investments that promote regional development by creating jobs* enclosed in the Government Decision no. 332/2014 and on the related synthetic Information sheet, proposing that the Ministry of Public finance initiate the necessary measures to amend and complete the submitted documentation, in order to fulfil the requirements imposed by the European legislation as mentioned at point 4.

The necessity to make these amendments is based on the amendment of the Community framework on the European legislation applicable to the State aids exempted from the obligation to be notified to the European Commission.