



ROMÂNIA

CONSILIUL CONCURENȚEI



Piața Presei Libere nr.1, Sector 1, București, Cod poștal: 013701 • Tel.: (021) 318 1198, (021) 318 1199 • Fax: (021) 318 4908
E-mail: office@consiliulconcurentei.ro • Web: www.competition.ro ; www.consiliulconcurentei.ro

FORMAL OPINION

on the notification of the State aid scheme on RO-LA combined transport

By assessing:

The Draft Decision of the Advisory Committee of the Environmental Fund Administration, approving the "State aid scheme for RO-LA combined transport type"

and

ANNEX I – STANDARD NOTIFICATION FORM, PART I. General information

ANNEX I - STANDARD NOTIFICATION FORM, PART III.13.D. Supplementary information sheet on the aid for combined transport,

Submitted by the Environmental Fund Administration by the address no. 231633/24.10.2014, registered at the Competition Council with no. RG/12744/24.10.2014, in order to receive a formal opinion

and

ascertaining that:

1. On 29.03.2012, the Romanian authorities submitted the documents related to the pre-notifying procedure for the State aid scheme on RO –LA combined transport. By this scheme it is intended to subsidize 60% of the price, without VAT, of the invoice issued by the railway undertaking to the road transport company choosing to move freight vehicles – on a segment of the route on which they run - by rail, placed on a special seal composed of very low platform wagons

2. After several requests for supplementary information sent by the European Commission, on 04.04.2013, the Romanian authorities sent to the community forum a last set of clarifications, enclosing an ample justification of the intensity level requested for the State aid, namely 60% of the total rail-related costs. The European Commission appreciated the quality of the information submitted by the Romanian authorities and the technical arguments brought in support of the proposed scheme type, stressing out that it supports the version proposed by the Romanian authorities and the intensity level of 60%, while the 'Community Guidelines on State aid for railway undertakings', provision applicable in this case, provides a maximum allowed intensity of the State aid up to 30% of the total cost of rail transport.

3. On 06.11.2013, in accordance with the Internet Message no. 8684/06.11.2013 of the Permanent Representation of Romania to the European Union, the European Commission

invited the Romanian authorities to formally notify the State aid scheme in the system of State Aid Notifications Interactive (SANI).

4. The scheme's budget is of 115 million lei. The duration of the scheme is 01.01.2015 - 31.12.2017. The estimated number of beneficiaries is 11-20 business.

5. The State aid scheme complies with the provisions of the "Community guidelines on State aid for railway undertakings", published in the Official Journal of the EC no. 184 dated July 22, 2008.

6. The notification is completed in accordance with the form enclosed in Part I, respectively Part III.13.D in Annex I to *Regulation (EC) no. Implementing Council Regulation No 794/2004 on. 659/1999 laying down detailed rules for the application of art. 108 of the Treaty on the Functioning of the European Union*, with the following amendments and completions,

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 notification of the State aid scheme on RO-LA combined transport, set-up by the draft of Decision of the Advisory Committee of the Environmental Fund Administration.