



FORMAL OPINION

on the State aid scheme established by the draft Government Decision on the conditions, procedure and terms of repayment of the State aid amounts representing the difference between the standard duty of excise and differentially excise duties on diesel used as motor fuel

By analyzing

The draft Government Decision on the conditions, procedure and terms of repayment of the State aid amounts representing the difference between the standard duties of excise and differentially excise duties on diesel used as motor fuel

and

The draft of Synthetic Information sheets elaborated in accordance with the standard form enclosed in Annex II to the *Commission Regulation (EC) no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty*, approved on 21.05.2014,

submitted by the Ministry of Public Finance, by the address no. 668576/24.06.2014, registered at the Competition Council with no. RG 7035/24.06.2014, in order to receive a formal opinion,

and

ascertaining that:

1. The Draft of *Government Decision on the conditions, procedure and terms of repayment of the State aid amounts representing the difference between the standard duties of excise and differentially excise duties on diesel used as motor fuel* sets up a State aid scheme that is exempted from the obligation to notify;
2. The objective of the scheme is environmental protection, the State aid scheme being a transposition into the Romanian legislation of the provisions enclosed in EC Directive 2003/96 /EC;
3. The conditions stipulated at art. 44 of the *Commission Regulation (EC) no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty*, approved on 21.05.2014 are being met, namely the following:

a) the scheme fulfils the conditions provisioned for by the Directive 2003/96 /EC of the Council of October the 23rd, 2003 on the possible beneficiaries¹,

¹ Carriers licensed in the EU fulfilling the following conditions:

b) the beneficiaries of the tax relief are selected on the basis of transparent and objective criteria and pay at least the minimum level of taxation stipulated by the Directive 2003/96 /EC,

c) the State aid scheme under the form of tax relief is based on the payment of fixed value compensations,

d) there are no aid granted for bio-fuels object of a supply or mixing obligation.

4. The total estimated budget of the scheme is of LEI 3,021.6 million, the scheme being valid during 2014- 2019.

5. The Information is filled out in accordance with the standard form enclosed in Annex II to the *Commission Regulation (EC) no. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty, approved on 21.05.2014.*

COMPETITION COUNCIL

Based on art. 19 recital (4), letter c) and of art. 25 recital (1), letter l) of the *Law on competition no.21/1996, republished*, as well as 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 *Government Decision on the conditions, procedure and terms of repayment of the State aid amounts representing the difference between the standard duties of excise and differentially excise duties on diesel used as motor fuel* and on the related synthetic Information sheet.

- Transport goods in the account of others or in their own account, with motor vehicles or assembly of articulated vehicles used exclusively for the carriage of goods by road and with a maximum permissible gross weight of at least 7.5 tons;

- Passenger transport performed regularly or occasionally, with a vehicle of category M2 or M3.