

1.4 Programme motivation and justification

1.4.4. State aid and public procurement

State aid in grant system within National Plan for Research and Development II is governed by a set of regulations as: Community framework on State aid for research, development and innovation (2006 / C 323/01); Regulation no. 800/2008 of the European Commission (2008 / L 214 / 3); Authorization decision C (2007) 6545; Decision of the President of ANCS no. 9451/2007 approving the state aid scheme "Financing RDI projects according to the National Research, Development and Innovation II". The institution charged with the supervision and management of aid is National Authority for Scientific Research, under Ministry of Education, Research, Youth and Sports.

To determinate the beneficiaries of state aid and proper scheme, it is necessary to have the distinction between two types of entities: enterprises and research organizations.

- a) A research organization is an entity such as an university or research institute, irrespective of its legal status (public or private) or financing, whose primary goal is to conduct fundamental research, industrial research or experimental development and to disseminate its results through educational activities, publishing or technology transfer; all profits / proceeds are reinvested in these activities, dissemination or education; enterprises that can exert influence over such organizations as shareholders or members, for example, will not benefit from preferential access to the research capacities of the entities or research results yielded. Financing institutions falling within the definition of research organizations do not constitute state aid and legal provisions on state aid do not apply.
- b) Enterprises are legally constituted entities with research and / or technological development as part of their activity and providing economic activities, namely activities consisting in offering goods and / or services on the market.

These include:

A - private: R & D units organized as enterprises, enterprises and their structure, carrying out research and development, accredited private higher education institutions or their components, NGOs carrying out research and development.

B - public: institutes or research and development centers organized in national societies, national companies and autonomous administrations, international centers of research and development established under international agreements.

State aid for National Plan is followed by principles as: equal treatment of contractors, transparency of the procedure, equal access for economic entities and no discrimination.

For all activities funded under the scheme, these maximum rates of funding from the state budget can be applied as a percentage which shall be realised from public funds of the eligible costs of an enterprise conducted under the project supported by public funds

Activity	Large companies	Medium Enterprises	Small Enterprises
Fundamental research	100%	100%	100%
Industrial research	65%	75%	80%
Experimental development	40%	50%	60%
Technical of feasibility studies (industrial research)	65%	75%	75%
Technical of feasibility studies (experimental development)	40%	50%	50%
Protecting of industrial property rights (fundamental research)	-	100%	100%
Protecting of industrial property rights (industrial research)	-	60%	70%
Protecting of industrial property rights (experimental development)	-	35%	45%

In order to purchase products and services needed for the project, beneficiaries have to implement the provisions of GEO no. 34/2006, approved by Law no. 337/2006, public procurement and subsequent amendments and the conditions and rules owned by National Authority for Regulating and Monitoring Public Procurement.