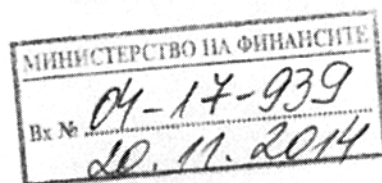


Приложение X

Письмо изх. № 04-19-517/20.11.2014 г. до ЕК

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a single name.



РЕПУБЛИКА БЪЛГАРИЯ

Министър на икономиката

Изх. № 04-19-517

Дата 20.11.2014

ДО

Г-Н ВЛАДИСЛАВ ГОРАНОВ

Министър на финансите

ОТНОСНО: предоставяне на допълнителна информация към предварително уведомление до Европейската комисия № SA.36698(2013/PN) - Създаване на научно-технологичен парк (София Тех Парк)

УВАЖАЕМИ Г-Н ГОРАНОВ,

Във връзка с номер COMP/H-2/SC/ME/ae-D*2014/112300 от 10.11.2014 на Европейската комисия и съдържащите се в него искания за допълнителни разяснения, бихме искали да представим допълнителна информация по предварително уведомление до Европейската комисия № SA.36698(2013/PN), която да бъде предоставена на Европейската комисия по реда на Закона за държавните помощи чрез Електронна поща: stateaidgreffe@ec.europa.eu.

С оглед по-бързото разглеждане на информацията от ГД „Конкуренция“ информацията е предоставена на английски език.

Приложение: съгласно текста.

С уважение,


Божидар Лукарски

Министър на икономиката





REPUBLIC OF BULGARIA
Minister of Economy

For the attention of

Mr. Paolo Cesarini

Head of Unit

H/2 R&D, innovation and risk Capital

Directorate-General for Competition

European Commission

B-1049 Brussels

Email: paolo.cesarini@ec.europa.eu

SUBJECT: SA.36698 (2013/PN) – *Funding of Science and Technology Park*

Dear Mr. Cesarini,

Referring to your letter No COMP/H-2/SC/ME/ae-D*2014/112300 of 10.11.2014 here by we would like to submit bellow the additional information kindly requested in it.

Question 1: Please clarify that undertakings are not eligible as members of the R&D&I Consortium and provide us with more details on the membership conditions to be applied to the research organisations - future new members of the R&D&I Consortium (point 14.4. of the explanatory pre-notification document of September 2014 submission).

Answer: *We confirm that only the STP Ltd. and research organizations will be members of the R&D&I Consortium and undertakings are not eligible to become members and will not be accepted as members of the R&D&I Consortium. Only organizations complying with the definition for research organization as set in the R&D&I Framework will be allowed to join the Consortium. The future new members of the R&D&I Consortium will be research organizations which may contribute with their research activity to the focus areas set out*

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by the Consortium. All members of the R&D&I Consortium will enjoy equal membership rights and obligations.

Question 2: Please provide a formal commitment stating that in case the R&D&I infrastructure will be used to perform contract research or to provide a research service to an undertaking the conditions as set out in points (25) and (26) of the R&D&I Framework will be respected.

Answer: *We confirm that in case the R&D&I infrastructure will be used to perform contract research or to provide a research service to an undertaking, within the 20% of the capacity threshold, the conditions as set out in points (25) and (26) of the R&D&I Framework will be respected.*

Question 3: In addition to the commitment to notify any possible State aid resulting from the public funding of economic activities carried out within the R&D&I infrastructure once the ratio of economic activities would exceed 20% (point 44.10 of the explanatory pre-notification document of September 2014 submission), please provide the following complementary commitments:

3.1. The public funding of economic activities will be calculated on a pro-rata basis taking into account the full ratio of economic activities and expressed as a percentage of the residual value of the investment in the R&D&I infrastructure at the end of the financial year during which the 20% threshold has been exceeded.

Answer: *We confirm that the public funding of economic activities will be calculated on a pro-rata basis taking into account the full ratio of economic activities and expressed as a percentage of the residual value of the investment in the R&D&I infrastructure at the end of the financial year during which the 20% threshold has been exceeded.*

3.2. The aid amount will be calculated in accordance with Article 26 of the GBER (if applicable to that specific situation), providing for a maximum aid intensity of 50% of the eligible costs.

Answer: *We confirm that the aid amount will be calculated in accordance with Article 26 of the GBER (if applicable to that specific situation), providing for a maximum aid intensity of 50% of the eligible costs.*

Question 4: As regards the claw-back mechanism for ensuring the 20% threshold of economic activities (point 45.2 of the explanatory pre-notification document of September 2014 submission), please clarify that the private funds to be procured in this instance will be paid back to the state budget.



Answer: We confirm that the private funds to be procured in the instance of not respecting the 20% of the capacity threshold will be paid back to the state budget.

Question 5: Please specify how the preliminary estimated profits resulting from the operation of the R&D&I infrastructure will be re-invested in the non-economic activities of the R&D&I Consortium (point 32 of the explanatory pre-notification document of September 2014 submission) (for ex.: to expand the scope of the public research).

Answer: The estimated profits resulting from the operation of the R&D&I infrastructure by the R&D&I Consortium will be re-invested in its main non-economic activities in compliance with the Bulgarian Non-profit Legal Persons Act. Those activities will be specified in the Consortium's Statute/Articles of association and will be to independently conduct fundamental research, industrial research or experimental development and to widely disseminate the results of such activities by way of teaching, publication or knowledge transfer. The re-investment will be provided after each financial year through the approved budget for the next financial year. The preliminary estimated profits will be reinvested in accordance with the program for the research projects and also for the other activities envisaged to be implemented during the respective year (described in point 44.9 of the explanatory pre-notification document) and in accordance with the long term development strategy of the Science and technology park in the scientific and research sphere. This may also include re-investment of the profits in expansion of the scope (investment in new R&D) or of the intensity (investment in new projects) of the public research.

Question 6: Having in mind that the total investment into the sport complex will amount to 1 011 690 EUR, i.e. it will exceed the threshold specified in Article 55 (12) GBER by only 11 690 EUR, we would like to draw your attention to the possibility to diminish the investment by said amount of 11 690 EUR and to set the maximum aid amount for the sports infrastructure to 80% of the eligible costs, as provided for in this article, as an alternative to the claw-back mechanism provided for in Article 55 (10) to which you are referring at present (point 86 of the explanatory pre-notification document of September 2014 submission). Please provide us with your explicit comments on this suggestion.

Answer: We confirm our preference for the claw-back mechanism provided for in art. 55, par. 10 based on the following:

- The provision of par. 12 represents an alternative possibility to the method referred to in par. 10;
- By applying par. 10 the observance of the principle for proportional distribution of the common investment costs will be guaranteed;



- Having in mind the small capacity of the infrastructure and the character of the sport activities to be performed on the infrastructure (exclusively amateur sport) there is not enough certainty that the estimated profit will be achieved. The latter may result in an aid amount close to the envisaged investment costs and in exceeding EUR 1 000 000 threshold.

Thank you in advance for your kind cooperation.

We remain at your disposal for any additional information if needed.

Kind regards,



Bojidar Loukarsky
Minister of the Economy

